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**DIPLOMATIC CORRESPONDENCE OF THE  
UNITED STATES  
INTER-AMERICAN AFFAIRS  
1831-1860**



# DIPLOMATIC CORRESPONDENCE OF THE UNITED STATES

## INTER-AMERICAN AFFAIRS

1831-1860

SELECTED AND ARRANGED BY  
WILLIAM R. MANNING, PH.D.

Division of Latin American Affairs  
Department of State

Editor of DIPLOMATIC CORRESPONDENCE OF THE UNITED  
STATES CONCERNING THE INDEPENDENCE OF  
THE LATIN AMERICAN NATIONS,  
to which this is  
a sequel

## VOLUME VII—GREAT BRITAIN

DOCUMENTS 2672-3127

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## PREFACE

The diplomatic correspondence of the United States with Great Britain concerning inter-American affairs during the three decades covered by this publication occupies the whole of this volume. British territorial claims in Central America, protests by the United States against the validity of these claims, and negotiations regarding an anticipated interoceanic canal in that region occupy a prominent place in the volume. The Texas question, particularly the hopes and plans of British statesmen to effect the abolition of slavery there, also furnished occasions for several of the communications. Many documents relate to Cuban affairs, especially to filibusters against Spanish control aided by sympathizers in the United States, and to attempts to arrange a tripartite understanding regarding Cuba between the United States, Great Britain, and France, which failed because of rejection by the United States. British interests in numerous other primarily American matters received less but not inconsiderable attention during this epoch in the diplomatic intercourse of the two Anglo-Saxon governments. The strong influence exercised on these questions by Lord Palmerston, who was either secretary of state for foreign affairs or premier of Great Britain during most of this period, is shown in many of these diplomatic exchanges.

United States representation in London was unbroken through the period covered by this publication; and British representation in Washington was continuous except for about ten months, between May 28, 1856, and March 16, 1857, during which period it was suspended because, on the first date, Mr. Crampton, the minister, was handed his passports on account of his supposed complicity, along with that of several British consuls, in the recruiting of men in the United States for the British army, during the Crimean War, in contravention of the laws of this country.

It has seemed necessary to include, in the text proper of this volume, several communications from the British Secretary of State for Foreign Affairs to the British Minister in Washington, since they were found among communications from the British legation, although they were without covering notes from the latter and were not mentioned in notes to the legation. In most of them, it will be observed, the British representatives were instructed to read them to the Secretary of State and to leave copies with him. In a few instances in which the receipt dates of the documents were not indicated, approximate dates have been supplied, an allowance of about two weeks having been made for their transmission from London to Washington, and from the legation to the Department. These documents appear in the volume in the chronological order of their receipt or approximate date of receipt by the Department.

WILLIAM R. MANNING.

December, 1932.





## CONTENTS

### VOLUME VII

	PAGE
PART I.—Communications to Great Britain.....	3
PART II.—Communications from Great Britain .....	227



# LIST OF DOCUMENTS IN VOLUME VII

## PART I.—COMMUNICATIONS TO GREAT BRITAIN

Doc. No.	From	To	Date	Page
2672	Daniel Brent, Act. Sec. of State	Charles Bankhead, British Chargé d'Affaires <i>ad interim</i> at Washington	August 13, 1832	3
2673	John Forsyth, Sec. of State	Andrew Stevenson, U. S. Minister to Great Britain	Sept. 14, 1836	4
2674	Same	Same	Sept. 15, 1838	5
2675	Same	Same	Oct. 29, 1838	5
2676	Abel P. Upshur, Sec. of State	Edward Everett, U. S. Minister to Great Britain	Sept. 28, 1843	6
2677	Same	Same	Sept. 28, 1843	11
2678	John C. Calhoun, Sec. of State	Richard Pakenham, British Minister to the U. S.	April 18, 1844	18
2679	Same	Same	April 27, 1844	22
2680	Same	Edward Everett, U. S. Minister to Great Britain	April 27, 1844	25
2681	Same	Same	Aug. 27, 1844	26
2682	Same	Same	Sept. 12, 1844	26
2683	James Buchanan, Sec. of State	Louis McLane, U. S. Minister to Great Britain	Dec. 13, 1845	27
2684	Same	Same	May 14, 1846	27
2685	Same	Same	July 27, 1846	28
2686	Same	George Bancroft, U. S. Minister to Great Britain	Sept. 14, 1847	30
2687	Same	John F. Crampton, British Chargé d'Affaires <i>ad interim</i> at Washington	Aug. 19, 1848	31
2688	Same	George Bancroft, U. S. Minister to Great Britain	Oct. 23, 1848	32
2689	John M. Clayton, Sec. of State	Same	April 30, 1849	33
2690	Same	Same	May 2, 1849	33
2691	Same	Same	May 14, 1849	36
2692	Same	Same	June 4, 1849	37
2693	Same	John F. Crampton, British Chargé d'Affaires <i>ad interim</i> at Washington	June 12, 1849	37

PART I.—COMMUNICATIONS TO GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
2694	John M. Clayton, Sec. of State	William C. Rives, U. S. Minister to France	Aug. 16, 1849	38
2695	Same	Abbott Lawrence, U. S. Minister to Great Britain	Sept. 24, 1849	39
2696	Same	John F. Crampton, British Chargé d'Affaires <i>ad interim</i> at Washington	Sept. 27, 1849	40
2697	Same	Abbott Lawrence, U. S. Minister to Great Britain	Oct. 20, 1849	40
2698	Same	Same	Oct. 31, 1849	52
2699	Same	Same	Dec. 10, 1849	53
2700	Same	Same	Dec. 13, 1849	54
2701	Same	Same	Dec. 14, 1849	55
2702	Same	Same	Dec. 29, 1849	56
2703	Same	Sir Henry Lytton Bulwer, British Minister to the U. S.	Jan. 31, 1850	59
2704	Same	Same	April 19, 1850	59
2705	Same	Same	April 30, 1850	60
2706	Same	Same	May 20, 1850	61
2707	Same	Abbott Lawrence, U. S. Minister to Great Britain	May 26, 1850	62
2708	Same	Sir Henry Lytton Bulwer, British Minister to the U. S.	June 28, 1850	62
2709	Same	Same	July 4, 1850	63
2710	Daniel Webster, Sec. of State	Abbott Lawrence, U. S. Minister to Great Britain	Aug. 10, 1850	64
2711	Same	Sir Henry Lytton Bulwer, British Minister to the U. S.	Aug. 20, 1850	64
2712	Same	Same	Sept. 14, 1850	66
2713	Same	Same	Oct. 2, 1850	66
2714	Same	Abbott Lawrence, U. S. Minister to Great Britain	Oct. 3, 1850	67
2715	Same	Sir Henry Lytton Bulwer, British Minister to the U. S.	Jan. 10, 1851	68
2716	Same	Same	Jan. 14, 1851	68

PART I.—COMMUNICATIONS TO GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
2717	Daniel Webster, Sec. of State	Sir Henry Lytton Bulwer, British Minister to the U. S.	March 13, 1851	69
2718	Same	Presumably to John F. Crampton, British Chargé d'Affaires <i>ad interim</i> at Washington	June 11, 1851	69
2719	Same	Sir Henry Lytton Bulwer, British Minister to the U. S.	July 5, 1851	70
2720	Same	Same	July 5, 1851	70
2721	William S. Derrick, Act. Sec. of State	John F. Crampton, British Chargé d'Affaires <i>ad interim</i> at Washington	Sept. 4, 1851	71
2722	Memorandum of oral reply of John J. Crittenden, Act. Sec. of State	Same	Oct. 6, 1851	72
2723	Daniel Webster, Sec. of State	Same	Nov. 27, 1851	73
2724	Same	Abbott Lawrence, U. S. Minister to Great Britain	Dec. 3, 1851	73
2725	Same	John F. Crampton, British Minister to the U. S.	March 13, 1852	75
2726	Same	Same	April 29, 1852	75
2727	Same	Abbott Lawrence, U. S. Minister to Great Britain	May 14, 1852	76
2728	William Hunter, Act. Sec. of State	John F. Crampton, British Minister to the U. S.	May 28, 1852	77
2729	Daniel Webster, Sec. of State	Same	July 1, 1852	78
2730	William Hunter, Act. Sec. of State	Abbott Lawrence, U. S. Minister to Great Britain	July 10, 1852	78
2731	Edward Everett, Sec. of State	John F. Crampton, British Minister to the U. S.	Dec. 1, 1852	79
2732	Same	Joseph R. Ingersoll, U. S. Minister to Great Britain	Dec. 6, 1852	79
2733	William L. Marcy, Sec. of State	Same	June 9, 1853	80
2734	Same	James Buchanan, appointed U. S. Minister to Great Britain	July 2, 1853	84

PART I.—COMMUNICATIONS TO GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
2735	William L. Marcy, Sec. of State	Joseph R. Ingersoll, U. S. Minister to Great Britain	July 11, 1853	95
2736	Same	James Buchanan, ap- pointed U. S. Minister to Great Britain	July 16, 1853	95
2737	Same	Same	July 19, 1853	96
2738	A. Dudley Mann, Act. Sec. of State	Same	July 30, 1853	97
2739	William L. Marcy, Sec. of State	Same	Aug. 18, 1853	98
2740	Same	James Buchanan, U. S. Minister to Great Britain	Sept. 12, 1853	99
2741	Same	Same	Dec. 1, 1853	101
2742	Same	Same	March 11, 1854	102
2743	Same	Same	March 17, 1854	105
2744	Same	Same	June 12, 1854	105
2745	Same	Same	June 27, 1854	107
2746	Same	Same	July 31, 1854	107
2747	Same	Same	Aug. 8, 1854	108
2748	Same	Same	Aug. 16, 1854	109
2749	Same	Same	Nov. 14, 1854	110
2750	Same	John F. Crampton, Brit- ish Minister to the U. S.	Nov. 18, 1854	110
2751	Same	Same	Jan 20, 1855	111
2752	Same	James Buchanan, U. S. Minister to Great Britain	March 10, 1855	111
2753	Same	John F. Crampton, Brit- ish Minister to the U. S.	May 9, 1855	112
2754	Same	James Buchanan, U. S. Minister to Great Britain	June 7, 1855	114
2755	Same	Same	June 16, 1855	115
2756	Same	Same	Aug 6, 1855	117
2757	Same	John F. Crampton, Brit- ish Minister to the U. S.	Sept. 11, 1855	121
2758	Same	Same	Oct. 12, 1855	121
2759	Same	James Buchanan, U. S. Minister to Great Britain	Oct. 22, 1855	122
2760	Same	Same	Nov. 12, 1855	123

PART I.—COMMUNICATIONS TO GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
2761	William L. Marcy, Sec. of State	John F. Crampton, British Minister to the U. S.	Feb. 28, 1856	124
2762	Same	George M. Dallas, U. S. Minister to Great Britain	Feb. 29, 1856	125
2763	Same	Same	March 14, 1856	126
2764	Same	Same	April 7, 1856	127
2765	Same	Same	May 24, 1856	128
2766	Same	Same	June 16, 1856	138
2767	Same	Same	July 26, 1856	141
2768	Same	Same	July 28, 1856	154
2769	Same	Same	Sept. 26, 1856	155
2770	Same	Same	Sept. 26, 1856	159
2771	Same	Same	Nov. 7, 1856	160
2772	Same	Same	Nov. 10, 1856	161
2773	Lewis Cass, Sec. of State	Same	March 21, 1857	162
2774	Same	Lord Napier, British Minister to the U. S.	April 17, 1857	163
2775	Same	George M. Dallas, U. S. Minister to Great Britain	April 21, 1857	163
2776	Same	Lord Napier, British Minister to the U. S.	April 22, 1857	165
2777	Same	Same	May 9, 1857	167
2778	Same	Same	May 19, 1857	167
2779	Same	Same	May 29, 1857	168
2780	John Appleton, Act. Sec. of State	George M. Dallas, U. S. Minister to Great Britain	June 15, 1857	171
2781	Lewis Cass, Sec. of State	Lord Napier, British Minister to the U. S.	Aug. 4, 1857	171
2782	Same	Same	Sept. 10, 1857	172
2783	Same	Same	Sept. 12, 1857	173
2784	Same	Same	Oct. 20, 1857	174
2785	Same	Same	Oct. 20, 1857	176
2786	Same	George M. Dallas, U. S. Minister to Great Britain	Nov. 23, 1857	177
2787	Same	Same	Nov. 24, 1857	177
2788	Same	Lord Napier, British Minister to the U. S.	April 6, 1858	177



PART I.—COMMUNICATIONS TO GREAT BRITAIN (*Continued*)

Doc. No	From	To	Date	Page
2789	Lewis Cass, Sec of State	George M Dallas, U S Minister to Great Britain	April 8, 1858	187
2790	Same	Same	April 26, 1858	187
2791	Same	Same	May 12, 1858	187
2792	Same	Francis J Grund, Special Agent of the U S in Europe	June 18, 1858	188
2793	Same	George M Dallas, U S Minister to Great Britain	July 1, 1858	189
2794	Same	Lord Napier, British Minister to the U S	Nov 8, 1858	189
2795	Same	George M Dallas, U S Minister to Great Britain	Nov 10, 1858	201
2796	Same	Same	Nov 11, 1858	201
2797	Same	Same	Nov 13, 1858	202
2798	Same	Same	Nov 26, 1858	202
2799	Same	Same	April 7, 1859	203
2800	Same	Same	April 8, 1859	207
2801	Same	Same	April 12, 1859	208
2802	Same	Same	May 12, 1859	211
2803	Same	Same	Aug 11, 1859	216
2804	Same	Same	Aug 12, 1859	216
2805	Same	Same	Sept 19, 1859	218
2806	Same	Lord Lyons, British Minister to the U S	Feb 21, 1860	218
2807	Same	George M Dallas, U S Minister to Great Britain	March 10, 1860	224

PART II.—COMMUNICATIONS FROM GREAT BRITAIN <sup>1</sup>

Doc. No.	From	To	Date	Page
2808	Martin Van Buren, U. S. Minister to Great Britain	Edward Livingston, Sec. of State	Feb. 28, 1832	227
2809	Aaron Vail, U. S. Chargé d'Affaires at London	Louis McLane, Sec. of State	July 13, 1833	228
2810	Same	John Forsyth, Sec. of State	Oct. 6, 1834	228
2811	Same	Same	March 4, 1835	229
2812	Same	Same	Aug. 29, 1835	233
2813	Same	Same	Oct. 30, 1835	234
2814	Same	Same	April 22, 1836	235
2815	Andrew Stevenson, U. S. Minister to Great Britain	Same	Aug. 6, 1836	235
2816	Same	Same	Oct. 29, 1836	236
2817	Same	Same	May 29, 1837	238
2818	Same	Same	June 16, 1837	239
2819	Same	Same	Nov. 5, 1838	241
2820	Same	Same	Jan. 24, 1839	242
2821	Edward Everett, U. S. Minister to Great Britain	Daniel Webster, Sec. of State	May 6, 1842	244
2822	Same	Same	June 17, 1842	245
2823	Same	Abel P. Upshur, Sec. of State	Nov. 3, 1843	246
2824	Same	Same	Nov. 16, 1843	248
2825	Same	Same	Nov. 16, 1843	251
2826	Richard Pakenham, British Minister to the U. S.	Same	Feb. 26, 1844	252
2827	Edward Everett, U. S. Minister to Great Britain	Same	Feb. 28, 1844	253
2828	Richard Pakenham, British Minister to the U. S.	John C. Calhoun, Sec. of State	April 19, 1844	256
2829	Same	Same	April 30, 1844	258
2830	Edward Everett, U. S. Minister to Great Britain	Same	May 18, 1844	258
2831	Same	Same	June 3, 1844	260

<sup>1</sup> For explanation of the bracketed entries in this list, see the headnotes to the documents.

PART II.—COMMUNICATIONS FROM GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
2832	Edward Everett, U. S. Minister to Great Britain	John C. Calhoun, Sec. of State	Aug. 2, 1844	260
2833	Same	Same	Oct. 3, 1844	261
2834	Same	Same	Feb. 26, 1845	262
2835	Same	Same	March 28, 1845	265
2836	Same	James Buchanan, Sec. of State	May 15, 1845	266
2837	Same	Same	May 17, 1845	267
2838	Same	Same	June 17, 1845	267
2839	Same	Same	July 4, 1845	269
2840	Louis McLane, U. S. Minister to Great Britain	Same	Sept. 18, 1845	270
2841	Same	Same	Sept. 26, 1845	271
2842	Same	Same	Oct. 3, 1845	271
2843	Richard Pakenham, British Minister to the U. S.	Same	Nov. 7, 1845	272
2844	Louis McLane, U. S. Minister to Great Britain	Same	May 18, 1846	273
2845	Same	Same	May 29, 1846	275
2846	Same	Same	June 3, 1846	276
2847	Same	Lord Aberdeen, British Secretary of State for Foreign Affairs	June 3, 1846	279
2848	Lord Aberdeen, British Secretary of State for Foreign Affairs	Louis McLane, U. S. Minister to Great Britain	June 9, 1846	280
2849	Louis McLane, U. S. Minister to Great Britain	James Buchanan, Sec. of State	June 18, 1846	281
2850	Same	Same	Aug. 15, 1846	284
2851	James McHenry Boyd, U. S. Chargé d'Affaires <i>ad interim</i> at London	Same	Sept. 3, 1846	288
2852	Same	Same	Sept. 18, 1846	289
2853	George Bancroft, U. S. Minister to Great Britain	Same	Jan. 4, 1847	289
2854	Same	Same	June 3, 1847	291

PART II.—COMMUNICATIONS FROM GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
2855	George Bancroft, U. S. Minister to Great Britain	Lord Palmerston, British Secretary of State for Foreign Affairs	Oct. 8, 1847	292
2856	Lord Palmerston, British Secretary of State for Foreign Affairs	George Bancroft, U. S. Minister to Great Britain	Oct. 12, 1847	293
2857	George Bancroft, U. S. Minister to Great Britain	James Buchanan, Sec. of State	Oct. 12, 1847	293
2858	John F. Crampton, British Chargé d'Affaires <i>ad interim</i> at Washington	Same	April 30, 1848	294
2859	Same	Same	June 29, 1848	295
2860	George Bancroft, U. S. Minister to Great Britain	Same	Nov. 17, 1848	295
2861	Same	Same	Jan. 12, 1849	296
2862	Same	Same	Feb. 7, 1849	297
2863	Same	John M. Clayton, Sec. of State	March 9, 1849	297
2864	Same	Same	March 31, 1849	299
2865	Same	Same	May 30, 1849	299
2866	John F. Crampton, British Chargé d'Affaires <i>ad interim</i> at Washington	Same	June 8, 1849	301
2867	George Bancroft, U. S. Minister to Great Britain	Same	June 29, 1849	302
2868	Same	Same	August, 1849	303
2869	William C. Rives, U. S. Minister to France	Same	Sept. 6, 1849	307
2870	Same	Same	Sept. 14, 1849	308
2871	Same	Same	Sept. 21, 1849	309
2872	Same	Same	Sept. 25, 1849	312
2873	Abbott Lawrence, U. S. Minister to Great Britain	Same	Oct. 19, 1849	318
2874	Same	Same	Oct. 26, 1849	318
2875	Same	Same	Nov. 8, 1849	319
2876	Same	Lord Palmerston, British Secretary of State for Foreign Affairs	Nov. 8, 1849	319

PART II.—COMMUNICATIONS FROM GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
2877	Abbott Lawrence, U. S. Minister to Great Britain	John M. Clayton, Sec. of State	Nov. 9, 1849	320
2878	Lord Palmerston, British Secretary of State for Foreign Affairs	Abbott Lawrence, U. S. Minister to Great Britain	Nov. 13, 1849	322
2879	Same	Same	Nov. 13, 1849	323
2880	Abbott Lawrence, U. S. Minister to Great Britain	John M. Clayton, Sec. of State	Nov. 14, 1849	324
2881	Lord Palmerston, British Secretary of State for Foreign Affairs	Abbott Lawrence, U. S. Minister to Great Britain	Nov. 19, 1849	325
2882	Abbott Lawrence, U. S. Minister to Great Britain	Lord Palmerston, British Secretary of State for Foreign Affairs	Nov. 22, 1849	326
2883	Same	Same	Nov. 22, 1849	328
2884	Same	John M. Clayton, Sec. of State	Nov. 23, 1849	329
2885	Same	Same	Nov. 29, 1849	330
2886	Same	Same	Dec. 14, 1849	331
2887	Same	Lord Palmerston, British Secretary of State for Foreign Affairs	Dec. 14, 1849	332
2888	Same	John M. Clayton, Sec. of State	Dec. 28, 1849	336
2889	Lord Palmerston, British Secretary of State for Foreign Affairs	Abbott Lawrence, U. S. Minister to Great Britain	Jan. 5, 1850	337
2890	Abbott Lawrence, U. S. Minister to Great Britain	Lord Palmerston, British Secretary of State for Foreign Affairs	Jan. 15, 1850	342
2891	Same	John M. Clayton, Sec. of State	Jan. 25, 1850	342
2892	Memorandum of an interview between Abbott Lawrence, U. S. Minister to Great Britain, and Lord Palmerston, British Secretary of State for Foreign Affairs		Jan. 27, 1850	345
2893	Abbott Lawrence, U. S. Minister to Great Britain	Lord Palmerston, British Secretary of State for Foreign Affairs	Jan. 30, 1850	347

PART II.—COMMUNICATIONS FROM GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
2894	Henry Lytton Bulwer, British Minister to the U. S.	John M. Clayton, Sec. of State	Feb. 7, 1850	349
2895	Abbott Lawrence, U. S. Minister to Great Britain	Lord Palmerston, British Secretary of State for Foreign Affairs	Feb. 7, 1850	351
2896	Same	John M. Clayton, Sec. of State	Feb. 8, 1850	351
2897	Lord Palmerston, British Secretary of State for Foreign Affairs	Abbott Lawrence, U. S. Minister to Great Britain	Feb. 13, 1850	352
2898	Abbott Lawrence, U. S. Minister to Great Britain	John M. Clayton, Sec. of State	Feb. 15, 1850	353
2899	Same	Same	Feb. 22, 1850	354
2900	Same	Same	March 8, 1850	356
2901	Same	Same	March 22, 1850	357
2902	Henry Lytton Bulwer, British Minister to the U. S.	Same	March 24, 1850	358
2903	Same	Same	March 24, 1850	359
2904	Same	Same	March 27, 1850	359
2905	Abbott Lawrence, U. S. Minister to Great Britain	Same	April 5, 1850	360
2906	Henry Lytton Bulwer, British Minister to the U. S.	Same	April 19, 1850	361
2907	Abbott Lawrence, U. S. Minister to Great Britain	Same	April 19, 1850	362
2908	Same	Same	April 19, 1850	389
2909	Henry Lytton Bulwer, British Minister to the U. S.	Same	April 29, 1850	391
2910	Abbott Lawrence, U. S. Minister to Great Britain	Same	May 10, 1850	392
2911	Henry Lytton Bulwer, British Minister to the U. S.	Same	May 11, 1850	393
2912	Abbott Lawrence, U. S. Minister to Great Britain	Same	May 17, 1850	394
2913	Same	Same	May 30, 1850	394
2914	Same	Same	June 7, 1850	395

PART II.—COMMUNICATIONS FROM GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
2915	Abbott Lawrence, U. S. Minister to Great Britain	William C. Rives, U. S. Minister to France	June 21, 1850	396
2916	Same	John M. Clayton, Sec. of State	June 21, 1850	396
2917	Henry Lytton Bulwer, British Minister to the U. S.	Same	June 29, 1850	397
2918	Same	Same	July 4, 1850	398
2919	Same	Same	July 23, 1850	398
2920	Abbott Lawrence, U. S. Minister to Great Britain	Same	July 25, 1850	400
2921	Henry Lytton Bulwer, British Minister to the U. S.	Daniel Webster, Sec. of State	Aug. 16, 1850	402
2922	Abbott Lawrence, U. S. Minister to Great Britain	Same	Aug. 16, 1850	403
2923	Henry Lytton Bulwer, British Minister to the U. S.	Same	Aug. 17, 1850	406
2924	Same	Same	Aug. 17, 1850	409
2925	Same	Same	Sept. 3, 1850	410
2926	Same	Same	Sept. 26, 1850	411
2927	Same	Same	Sept. 27, 1850	411
2928	Same	Same	Sept. 27, 1850	416
2929	Same	Same	Sept. 30, 1850	417
2930	Same	Same	Oct. 8, 1850	418
2931	Same	Same	Oct. 9, 1850	419
2932	Same	Same	Oct. 9, 1850	420
2933	Same	Same	Oct. 14, 1850	420
2934	Abbott Lawrence, U. S. Minister to Great Britain	Same	Oct. 15, 1850	422
2935	Same	Same	Oct. 24, 1850	423
2936	[Henry Lytton Bulwer, British Minister to the U. S.]	[Same]	[Nov. 8, 1850]	423
2937	[Same]	[Same]	[Nov. 25, 1850]	424
2938	Same	Same	Dec. 21, 1850	426
2939	Same	Same	Dec. 31, 1850	429
2940	Same	Same	Dec. 31, 1850	429

PART II.— COMMUNICATIONS FROM GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
2941	Henry Lytton Bulwer, British Minister to the U. S.	Daniel Webster, Sec. of State	Jan. 4, 1851	430
2942	Same	Presumably to William S. Derrick, Acting Sec. of State	Jan. 23, 1851	430
2943	Abbott Lawrence, U. S. Minister to Great Britain	Daniel Webster, Sec. of State	Feb. 6, 1851	431
2944	Henry Lytton Bulwer, British Minister to the U. S.	Same	March 10, 1851	432
2945	Same	Same	April 8, 1851	433
2946	Same	Same	April 22, 1851	433
2947	Same	Same	May 22, 1851	434
2948	Same	Same	June 22, 1851	435
2949	Same	Same	June 22, 1851	436
2950	Same	Same	July 30, 1851	437
2951	John F. Crampton, British Chargé d'Affaires <i>ad interim</i> at Washington	William Hunter, Acting Sec. of State	Aug. 21, 1851	437
2952	John Chandler B. Davis, U. S. Chargé d'Affaires <i>ad interim</i> at London	Daniel Webster, Sec. of State	Sept. 19, 1851	439
2953	Same	Same	Sept. 26, 1851	441
2954	Memorandum of an interview between John F. Crampton, British Chargé d'Affaires <i>ad interim</i> at Washington, and John J. Crittenden, Acting Sec. of State		Sept. 27, 1851	441
2955	Abbott Lawrence, U. S. Minister to Great Britain	Same	Nov. 7, 1851	442
2956	John F. Crampton, British Chargé d'Affaires <i>ad interim</i> at Washington	Same	Nov. 12, 1851	443
2957	Same	Same	Nov. 25, 1851	444
2958	Abbott Lawrence, U. S. Minister to Great Britain	Lord Palmerston, British Secretary of State for Foreign Affairs	Dec. 19, 1851	444
2959	Same	Daniel Webster, Sec. of State	Dec. 19, 1851	445



PART II.—COMMUNICATIONS FROM GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
2960	Lord Granville, British Secretary of State for Foreign Affairs	Abbott Lawrence, U. S. Minister to Great Britain	Dec. 30, 1851	446
2961	Abbott Lawrence, U. S. Minister to Great Britain	Daniel Webster, Sec. of State	Jan. 2, 1851 [1852]	447
2962	Lord Granville, British Secretary of State for Foreign Affairs	Abbott Lawrence, U. S. Minister to Great Britain	Jan. 10, 1852	448
2963	Abbott Lawrence, U. S. Minister to Great Britain	Daniel Webster, Sec. of State	Jan. 14, 1852	449
2964	Same	Same	Feb. 27, 1852	449
2965	Same	Same	March 22, 1852	450
2966	Same	Same	March 26, 1852	451
2967	Same	Same	March 26, 1852	453
2968	Same	Same	March 26, 1852	454
2969	Same	Same	April 2, 1852	455
2970	Same	Same	April 7, 1852	456
2971	Lord Malmesbury, British Secretary of State for Foreign Affairs	Abbott Lawrence, U. S. Minister to Great Britain	April 8, [1852]	457
2972	Abbott Lawrence, U. S. Minister to Great Britain	Daniel Webster, Sec. of State	April 8, 1852	457
2973	Same	Same	April 16, 1852	457
2974	John F. Crampton, British Minister to the U. S.	Same	April 23, 1852	459
2975	Same	Same	April 29, 1852	460
2976	Abbott Lawrence, U. S. Minister to Great Britain	Same	April 30, 1852	461
2977	Same	Same	June 7, 1852	461
2978	Same	Same	June 8, 1852	462
2979	Lord Malmesbury, British Secretary of State for Foreign Affairs	Abbott Lawrence, U. S. Minister to Great Britain	June 15, 1852	463
2980	Abbott Lawrence, U. S. Minister to Great Britain	Lord Malmesbury, British Secretary of State for Foreign Affairs	June 16, 1852	464
2981	Same	Daniel Webster, Sec. of State	June 18, 1852	465

PART II.—COMMUNICATIONS FROM GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
2982	Lord Malmesbury, British Secretary of State for Foreign Affairs	Abbott Lawrence, U. S. Minister to Great Britain	June 30, 1852	465
2983	John F. Crampton, British Minister to the U. S.	Daniel Webster, Sec. of State	July 1, 1852	466
2984	Abbott Lawrence, U. S. Minister to Great Britain	Lord Malmesbury, Brit- ish Secretary of State for Foreign Affairs	July 2, 1852	467
2985	Same	Daniel Webster, Sec. of State	July 2, 1852	467
2986	John F. Crampton, British Minister to the U. S.	Same	July 8, 1852	468
2987	[Same]	[Same]	[July 10, 1852]	471
2988	[Same]	[Same]	[July 10, 1852]	476
2989	Lord Malmesbury, British Secretary of State for Foreign Affairs	Abbott Lawrence, U. S. Minister to Great Britain	July 16, 1852	480
2990	Abbott Lawrence, U. S. Minister to Great Britain	Lord Malmesbury, Brit- ish Secretary of State for Foreign Affairs	July 17, 1852	481
2991	Same	Daniel Webster, Sec. of State	Aug. 13, 1852	481
2992	Same	Same	Sept. 30, 1852	482
2993	[John F. Crampton, British Minister to the U. S.]	[Edward Everett, Sec. of State]	[Feb. 3, 1853]	483
2994	[Same]	[Same]	[Feb. 3, 1853]	485
2995	Joseph R. Ingersoll, U. S. Minister to Great Britain	Same	Feb. 4, 1853	487
2996	John F. Crampton, British Minister to the U. S.	Same	Feb. 9, 1853	488
2997	Joseph R. Ingersoll, U. S. Minister to Great Britain	Same	March 11, 1853	489
2998	[John F. Crampton, British Minister to the U. S.]	[William L. Marcy, Sec. of State]	[April 16, 1853]	490
2999	Joseph R. Ingersoll, U. S. Minister to Great Britain	Same	April 22, 1853	493
3000	John F. Crampton, British Minister to the U. S.	Same	May 19, 1853	494

PART II.—COMMUNICATIONS FROM GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
3037	James Buchanan, U. S. Minister to Great Britain	William L. Marcy, Sec. of State	April 6, 1855	599
3038	Same	Same	April 7, 1855	601
3039	Proposal submitted by John F. Crampton, British Minister to the U. S.	Same	April 25, 1855	605
3040	James Buchanan, U. S. Minister to Great Britain	Same	June 29, 1855	606
3041	Same	Same	July 27, 1855	607
3042	Same	Same	Aug. 24, 1855	607
3043	Same	Same	Aug. 31, 1855	608
3044	John F. Crampton, British Minister to the U. S.	Same	Sept. 1, 1855	609
3045	James Buchanan, U. S. Minister to Great Britain	Same	Sept. 4, 1855	610
3046	Same	Lord Clarendon, British Secretary of State for Foreign Affairs	Sept. 11, 1855	612
3047	Same	William L. Marcy, Sec. of State	Sept. 11, 1855	614
3048	John F. Crampton, British Minister to the U. S.	Same	Sept. 15, 1855	614
3049	Lord Clarendon, British Secretary of State for Foreign Affairs	James Buchanan, U. S. Minister to Great Britain	Sept. 28, 1855	615
3050	James Buchanan, U. S. Minister to Great Britain	Lord Clarendon, British Secretary of State for Foreign Affairs	Oct. 4, 1855	617
3051	Same	William L. Marcy, Sec. of State	Oct. 4, 1855	619
3052	Same	Same	Nov. 2, 1855	620
3053	Same	Same	Nov. 9, 1855	621
3054	Same	Same	Jan. 22, 1856	623
3055	Same	Same	Feb. 1, 1856	625
3056	Same	Same	Feb. 5, 1856	626
3057	Same	Same	Feb. 8, 1856	630
3058	Same	Same	Feb. 19, 1856	634
3059	Same	Same	Feb. 22, 1856	635

PART II.—COMMUNICATIONS FROM GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
3060	John F. Crampton, British Minister to the U. S.	William L. Marcy, Sec. of State	Feb. 27, 1856	636
3061	James Buchanan, U. S. Minister to Great Britain	Same	Feb. 29, 1856	637
3062	George M. Dallas, U. S. Minister to Great Britain	Same	March 21, 1856	639
3063	Same	Same	March 28, 1856	641
3064	Same	Same	April 29, 1856	643
3065	Same	Same	May 1, 1856	643
3066	Same	Same	May 9, 1856	644
3067	Same	Same	May 23, 1856	645
3068	Same	Same	May 27, 1856	647
3069	Same	Same	May 30, 1856	648
3070	Same	Same	June 3, 1856	650
3071	Same	Same	June 10, 1856	653
3072	Same	Same	June 13, 1856	654
3073	Same	Same	June 20, 1856	656
3074	Lord Clarendon, Brit- ish Secretary of State for Foreign Affairs	George M. Dallas, U. S. Minister to Great Britain	June 26, 1856	658
3075	George M. Dallas, U. S. Minister to Great Britain	William L. Marcy, Sec. of State	June 27, 1856	662
3076	Same	Lord Clarendon, British Secretary of State for Foreign Affairs	June 28, 1856	662
3077	Same	William L. Marcy, Sec. of State	July 1, 1856	663
3078	Same	Lord Clarendon, British Secretary of State for Foreign Affairs	July 7, 1856	666
3079	Same	William L. Marcy, Sec. of State	July 11, 1856	667
3080	Same	Same	July 22, 1856	674
3081	Same	Same	July 31, 1856	675
3082	Same	Same	Aug. 8, 1856	676
3083	Same	Same	Aug. 12, 1856	677
3084	Same	Same	Aug. 15, 1856	682
3085	Same	Same	Aug. 29, 1856	683

PART II.—COMMUNICATIONS FROM GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
3086	George M. Dallas, U. S. Minister to Great Britain	William L. Marcy, Sec. of State	Oct. 10, 1856	687
3087	Same	Same	Oct. 17, 1856	688
3088	Same	Same	Nov. 26, 1856	694
3089	Same	Same	Nov. 28, 1856	695
3090	Lord Napier, British Minister to the U. S.	Lewis Cass, Sec. of State	March 29, 1857	695
3091	George M. Dallas, U. S. Minister to Great Britain	Same	April 16, 1857	696
3092	Lord Napier, British Minister to the U. S.	Same	April 19, 1857	701
3093	Same	Same	May 2, 1857	703
3094	Same	Same	May 6, 1857	704
3095	Same	Same	May 14, 1857	706
3096	George M. Dallas, U. S. Minister to Great Britain	Same	May 15, 1857	707
3097	Lord Napier, British Minister to the U. S.	Same	May 31, 1857	709
3098	Same	Same	Aug. 24, 1857	710
3099	Same	Same	Oct. 9, 1857	716
3100	George M. Dallas, U. S. Minister to Great Britain	Same	Oct. 16, 1857	720
3101	Lord Napier, British Minister to the U. S.	Same	Nov. 30, 1857	720
3102	Same	Same	Nov. 30, 1857	724
3103	Same	Same	Dec. 5, 1857	730
3104	Same	John Appleton, Acting Sec. of State	Dec. 20, 1857	733
3105	Same	Lewis Cass, Sec. of State	Feb. 15, 1858	734
3106	George M. Dallas, U. S. Minister to Great Britain	Same	April 9, 1858	735
3107	Lord Napier, British Minister to the U. S.	Same	April 12, 1858	736
3108	George M. Dallas, U. S. Minister to Great Britain	Same	April 13, 1858	745
3108a	Francis J. Grund, Spe- cial Agent of the U. S. in Europe	Same	Aug. 6, 1858	746

PART II.—COMMUNICATIONS FROM GREAT BRITAIN (*Continued*)

Doc. No.	From	To	Date	Page
3109	George M. Dallas, U. S. Minister to Great Britain	Lewis Cass, Sec. of State	Oct. 27, 1858	747
3110	Lord Napier, British Minister to the U. S.	Same	Nov. 14, 1858	748
3111	George M. Dallas, U. S. Minister to Great Britain	Same	Nov. 26, 1858	748
3112	Same	Same	Nov. 30, 1858	751
3113	Lord Napier, British Minister to the U. S.	Same	Dec. 15, 1858	752
3114	Same	Same	Dec. 30, 1858	753
3115	Same	Same	[Undated]	755
3116	George M. Dallas, U. S. Minister to Great Britain	Same	April 25, 1859	759
3117	Same	Same	May 2, 1859	760
3118	Same	Same	June 3, 1859	761
3119	Same	Same	June 10, 1859	762
3120	Same	Same	Aug. 15, 1859	763
3121	Same	Same	Aug. 23, 1859	763
3122	Same	Same	Sept. 1, 1859	764
3123	Same	Same	Oct. 6, 1859	765
3124	Same	Same	Oct. 21, 1859	765
3125	Same	Same	Nov. 14, 1859	766
3126	Lord Lyons, British Minister to the U. S.	Same	Feb. 24, 1860	767
3127	William Douglas Ir- vine, British Chargé d'Affaires <i>ad in-</i> <i>terim</i> at Washington	Same	Aug. 27, [1860]	767



## NOTE

The idiosyncrasies of spelling, punctuation, capitalization and grammar of the original manuscript stand uncorrected in this print, except in case of manifest and inadvertent error, where the correction could in nowise affect the sense.





**PART I**  
**COMMUNICATIONS TO GREAT BRITAIN**



## COMMUNICATIONS TO GREAT BRITAIN

2672

*Daniel Brent, Acting Secretary of State of the United States, to Charles Bankhead, British Chargé d'Affaires ad interim at Washington*<sup>1</sup>

WASHINGTON, August 13, 1832.

MY DEAR SIR: I have the pleasure to furnish you with the subjoined extract of a communication from the late Commodore George D. Rodgers,

<sup>1</sup> Notes to Foreign Legations, vol. 5.

Charles Bankhead, to whom this note was addressed, acted as secretary of the British legation in Washington and also as chargé d'affaires *ad interim* from May 7, 1831 to March 29, 1833, and from September 20, 1835 to March 15, 1836.

Daniel Brent, of Virginia, who signed this note as Acting Secretary of State, had been appointed chief clerk in the Department of State on September 21, 1817. He resigned on August 8, 1833, to accept an appointment as consul at Paris.

Although the following two instructions from the Secretary of State to McLane, United States minister to Great Britain, do not fall within the strict chronological limits of this publication, they are included here because of their intrinsic interest and their bearing on subjects of later importance. They were found in Instructions, Great Britain, vol. 14.

1. *Martin Van Buren, Secretary of State of the United States, to Louis McLane, United States Minister to Great Britain*

No. 11

WASHINGTON, April 6, 1830.

SIR: The unhappy collisions between Mr Poinsett and portions of the population of Mexico, and the extreme violence of its local parties, aided by the unsettled state of the country have produced there a state of feeling towards the United States of the most unfriendly character. There is too much reason to apprehend that some of the high officers of the Government participate largely in this impolitic and unjust sentiment, and that the bias which is thereby given to their official acts, will, if not speedily corrected, influence the relations between the two countries. The consequence of an indulgence in such feelings, has been the most extravagant, not to say ridiculous, suspicion of the United States. It is our interest and our desire to abstain from the slightest interference in the domestic concerns of Mexico, and to maintain with her no other relations than those of the most amicable and reciprocally beneficial character. To this end, and in the hope of being able to impress that Government with juster views of the motive and objects of this, additional instructions have been given to Colonel Butler, our Chargé d'Affaires there, an extract of which is, herewith, transmitted to you. [The extract referred to is taken, probably, from instruction No. 6 to Butler, dated April 1, 1830, a portion of which is printed in a footnote to instruction No. 19 to Butler, of June 21, 1831, below, vol. VIII, pt. I, containing Communications to Mexico.—Ed.] From frequent conversations with Mr Vaughan, I have reason to fear that attempts may be made to impress European Governments, and particularly that of England, with the same groundless suspicions, as to the objects of this, which are entertained by the Mexicans. To enable you to defeat that object, so far as relates to the British Government, if it be at any time attempted, and to protect the United States from the imputations which are cast upon them by portions of the inhabitants and authorities of the Republic of Mexico, I have been directed, by the President, to place the enclosed in your hands, with permission to use it according to your discretion. It contains a frank exposition of the sentiments of this Government upon the subject to which it relates, and is, as you know, in strict consistency with our established policy.

It is not intended that you should ask the interference of the British Government in any respect; the only object of this communication being to correct erroneous impressions, and to vindicate the views of this Government from unfounded imputations.

I am [etc.].

to the Secretary of the Navy,<sup>1</sup> which I have this moment received from the Navy Department, by which it appears, that the prisoners arrested at the Falkland Islands by Captain Duncan, had been delivered up to the Authorities of the Government of Buenos Ayres, and including the Prisoner Mathew Bisbane, it appears by another Despatch from the same office to the same Department, and am truly & faithfully [etc.].

2673

*John Forsyth, Secretary of State of the United States, to Andrew Stevenson, United States Minister to Great Britain*<sup>2</sup>

[EXTRACTS]

No. 6

WASHINGTON, September 14, 1836.

SIR: I have the honor to acknowledge the receipt of your despatches to N<sup>o</sup> 4,<sup>3</sup> inclusively. . . .<sup>4</sup>

I send you a copy of one of M<sup>r</sup> Ellis's late despatches.<sup>5</sup> You will take an early opportunity of speaking confidentially with Lord Palmerston on the subject, premising that this Government has information that the Mexican Government intends to make some propositions of the character indicated, to Great Britain: that the last proposition, intended as a corollary to the acceptance of the first, will ever be acceded to by any foreign Government is not to be anticipated, but it is due to frankness to apprise the British Government, that any attempt at intervention from abroad for such purpose, would impose upon us the obligation, in self-defence, to intervene to prevent its accomplishment. To us it is a matter of indifference whether the

2. *Martin Van Buren to Louis McLane*

No. 23

WASHINGTON, October 20, 1830.

SIR: The enclosed despatch N<sup>o</sup> 19, to M<sup>r</sup> Van Ness [See Manning, *Diplomatic Correspondence of the United States concerning the Independence of the Latin-American Nations*, vol. 1, p. 312, doc. 187, dated October 13, 1830.—Ed.] is forwarded to you, unsealed, with a request that you will procure for it a safe conveyance to its destination; and also for the purpose of making you acquainted with that part of its contents, which relates to the alleged intention of the British Government to use its influence in inducing Spain to recognise the Independence of the Spanish American States.

I am [etc.].

<sup>1</sup> This brief extract from the Commodore's letter, dated May 13, 1832, follows: "I have delivered up the prisoners arrested by Captain Duncan."

<sup>2</sup> Instructions, Great Britain, vol. 14.

Andrew Stevenson, of Virginia, to whom this instruction was addressed, was commissioned as envoy extraordinary and minister plenipotentiary to Great Britain on March 16, 1836. He took leave on October 21, 1841. On November 7, 1837, he was empowered to negotiate with Greece concerning commerce and navigation.

<sup>3</sup> No. 4 is below, this volume, pt. II, August 6, 1836, doc. 2815.

<sup>4</sup> The omitted portion refers to routine matters and also briefly mentions some claims of United States citizens.

<sup>5</sup> The notation "3 Aug. 1836." appeared in the margin opposite this sentence, and it evidently refers to Ellis's No. 13 of that date, which is below, vol. VIII, pt. II, doc. 3353.

Texans forbid or permit domestic slavery; but it is not a matter of indifference that their domestic policy should be dictated to them on that, to us, most delicate subject, by any foreign Power. The tone and language of Lord Palmerston in the late discussion of the subject of Texas is quite satisfactory as to the intentions and feelings of His Majesty's Government, and it is seen with great pleasure that the leading papers of London do not vindicate the crude opinions, nor seem to respect the impudently false assertions of those who have sought to involve Great Britain in the contest by imputing ambition to our Government, and disgraceful speculations to its functionaries.

I am [etc.].

2674

*John Forsyth, Secretary of State of the United States, to Andrew Stevenson, United States Minister to Great Britain*<sup>1</sup>

No. 46

WASHINGTON, September 15, 1838.

SIR: You will oblige me by obtaining and forwarding to me a copy of the papers relative to the reciprocal declaration touching the Falkland Islands, signed on the 22<sup>d</sup> of January, 1771, by the Prince of Maserano, the Spanish Ambassador at London, and Lord Rochford the British Minister of Foreign Affairs; which papers were laid before the House of Commons pursuant to the motion of Mr Dowdeswell of the 25<sup>th</sup> of January of that year.

If the papers in question cannot be procured in a separate form, you are authorized to purchase any published volume or work containing them—the cost, in either case, to be charged to this Department. If not printed, a manuscript copy would be acceptable.

I am [etc.].

2675

*John Forsyth, Secretary of State of the United States, to Andrew Stevenson, United States Minister to Great Britain*

No. 48

WASHINGTON, October 29, 1838.

[Same as instruction No. 30, of this date, *mutatis mutandis*, to Lewis Cass, envoy extraordinary and minister plenipotentiary of the United States to France, concerning the President's offer of assistance to the French Government in settling the difficulties between France and Mexico.]<sup>2</sup>

<sup>1</sup> Instructions, Great Britain, vol. 14.

<sup>2</sup> Above, vol. vi, doc. 2469.

2676

*Abel P. Upshur, Secretary of State of the United States, to Edward Everett, United States Minister to Great Britain*<sup>1</sup>

No. 61

WASHINGTON, September 28, 1843.

SIR: The movements of Great Britain, with respect to African slavery, have at length assumed a character which demands the serious attention of this Government. So long as we were permitted to believe that the effort to abolish slavery was confined to private individuals, actuated by a sense of justice or a feeling of philanthropy, we were content to leave the issue to the calm reason of our own people, and the guaranty of our Constitution and laws. As a domestic question, this Government does not possess, and, it is presumed, will never attempt to exercise, any authority over it. But it now wears a different aspect, and presents itself in a much more formidable attitude. There are many and strong reasons for believing that the abolition of domestic slavery throughout the continent and islands of America is a leading object in the present policy of England. If that policy were confined to her own dominions, we should have no right to complain. Although we had just reason to apprehend an evil influence from the example which she set in the liberation of her West India slaves, that was a measure which she had a perfect right to adopt, and which, therefore, could not justly subject her to the charge of unfriendliness to other Powers. But if it be her purpose to extend her policy to other countries, and to use her influence to bring about a state of things calculated seriously to affect the institutions of nearly half the States of our Union, the duty which we owe, not only to our interests, but to our independence and dignity, demands a prompt and decided counteraction on our part.

The remarks of Lord Brougham and Lord Aberdeen, in the House of Lords, on the 18<sup>th</sup> of August, as reported in the London Morning Chronicle of the succeeding day, have attracted the President's attention. They are reported as follows:

Texas.—In the House of Lords, on Friday, the 18<sup>th</sup> August, Lord Brougham introduced the subject of Texas and Texian slavery in the following manner, as reported in the London Morning Chronicle of the morning of the 19<sup>th</sup>:

Lord Brougham said that seeing his noble friend at the head of the Foreign Department in his place, he wished to obtain some information from him relative to a State of great interest at the present time, namely, Texas. That country was in a state of independence *de facto*, but its independence had never been acknowledged by Mexico, the State from which it was torn by the events of the revolution. He was aware that its independence had been so far acknowledged by this country, that we had a treaty with it. The importance of Texas could

<sup>1</sup> Instructions, Great Britain, vol. 15.

not be underrated. It was a country of the greatest capabilities, and was in extent fully as large as France. It possessed a soil of the finest and most fertile character, and it was capable of producing nearly all tropical produce, and its climate was of a most healthy character. It had access to the Gulf of Mexico, through the river Mississippi, with which it communicated by means of the Red River. The population of the country was said to exceed 240,000, but he had been assured by a gentleman who came from that country, and who was a member of the same profession as himself, that the whole population, free and slaves, white and colored, did not exceed 100,000; but he was grieved to learn that not less than one-fourth of the population, or 25,000 persons, were in a state of slavery. This point led him to the foundation of the question which he wished to put to his noble friend. There was very little, or no slave trade carried on with Texas from Africa directly; but a large number of slaves were constantly being sent over land to that country. Although the major part of the land in Texas was well adapted for white labor, and therefore for free cultivation, still the people of that country, by some strange infatuation, or by some inordinate love of immediate gain, preferred slave labor to free labor. As all access to the African slave market was shut out to them, their market for slaves was the United States, from whence they obtained a large supply of negro slaves. The markets from whence they obtained their supply of slaves were Georgia, the Carolinas, and Virginia, which States constantly sent their surplus slave population, which would otherwise be a burden to them, to the Texian market. No doubt it was true, as had been stated, that they treated their slaves tolerably well, because they knew that it was for their interest to rear them, as they had such a profitable market for them in Texas. This made him irresistibly anxious for the abolition of slavery in Texas, for if it were abolished there, not only would that country be cultivated by free and white labor, but it would put a stop to the habit of breeding slaves for the Texian market. The consequence would be, that they would solve this great question in the history of the United States, for it must ultimately end in the abolition of slavery throughout the whole of America. He, therefore, looked forward most anxiously to the abolition of slavery in Texas, as he was convinced that it would ultimately end in the abolition of slavery throughout the whole of America. He knew that the Texian's would do much as regarded the abolition of slavery, if Mexico could be induced to recognise their independence. If, therefore, by our good offices, we could get the Mexican Government to acknowledge the independence of Texas, he would suggest a hope that it might terminate in the abolition of slavery in Texas, and ultimately the whole of the Southern States of America. The abolition of Slavery in Texas must put an end to one of the most execrable crimes—for he would not designate it by the honorable name of traffic—that could disgrace a people, namely, the rearing and breeding of slaves, or the being engaged in the sale of our fellow creatures. He, therefore, hoped that his noble friend would have no difficulty in letting him know whether he could give any information as to the state of the negotiations on this subject, or as to the nature of the instructions that had been given to our Minister in that country. If the production of such



documents in the furnishing such information was not suitable at the present moment, he would not press his noble friend; but he had no doubt that his noble friend could confirm his statement, and he trusted that the Government would not lose any opportunity of pressing the subject, whenever they could do so with a hope of success.

The Earl of Aberdeen in reply said, that he could state that not only had this country acknowledged the independence of Texas, but also that we had a treaty of commerce, and a treaty for the abolition of the slave trade with that Power. He did not believe that there was any importation of slaves into Texas by sea, but it was true that there was a large importation of slaves from the United States into that country. Immediately on the negotiations being entered on with Texas, the utmost endeavors of this country were used to put an end to the war which prevented the full and entire recognition of the independence of Texas by Mexico. Their endeavors had met with very great difficulties, and he was unable to say that there was an immediate prospect of obtaining the recognition of the independence of Texas on the part of Mexico; but it was with great pleasure that he was able to say that probably the first step to this had been obtained, namely, that an armistice had been established between the two Powers, and he hoped that this would lead to the absolute acknowledgment of the independence of Texas by Mexico. The armistice was an important step to obtain, and he need hardly say that every effort on the part of Her Majesty's Government would lead to that result which was contemplated by his noble friend. He was sure that he need hardly say that no one was more anxious than himself to see the abolition of slavery in Texas; and if he could not consent to produce papers, or to give further information, it did not arise from indifference, but from quite a contrary reason. In the present state of the negotiations between the two countries in question, it would not contribute to the end they had in view if he then expressed any opinion as to the state of those negotiations; but he could assure his noble friend that, by means of urging the negotiations, as well as by every other means in their power, Her Majesty's Ministers would press this matter.

Lord Brougham observed that nothing could be more satisfactory than the statement of his noble friend, which would be received with joy by all who were favorable to the object of the Anti-Slavery Societies.

The language attributed to Lord Brougham is perfectly explicit and plain. He is hostile to slavery upon principle, and anxious to abolish it every where. He is, however, particularly desirous to abolish it in Texas, because the abolition of it in that country will, in his opinion, necessarily lead to the same result in the United States. He was undoubtedly apprized of the fact that negotiations had been contemplated by the British Government, and were probably then in progress, with a view to the abolition of slavery in Texas: he expresses a strong interest in their success, and desires to know the nature of the instructions which had been given to the British Minister, and what probability there was that the negotiations would lead to the desired result. Lord Aberdeen declining to give the information asked for by Lord Brougham,

because it might be injurious to the negotiations to do so, assures him that Her Majesty's Ministers will press them earnestly, and leave no effort unexerted to bring them to a successful termination.

Whether or not the language attributed to Lord Aberdeen was meant to extend beyond the single fact of the liberation of the slaves of Texas, may perhaps admit of doubt. But it is fairly susceptible of a much more extended construction. Lord Brougham had spoken of the abolition of slavery in the United States as a necessary and prominent consequence of the abolition of it in Texas; and Lord Aberdeen assures him that every effort on the part of Her Majesty's Government would lead to that result which was contemplated by his noble friend. It is quite clear that the abolition of slavery in the United States was the most important "result" contemplated by Lord Brougham, and it is not unreasonable to suppose that it was then most prominent in the mind of Lord Aberdeen. It was evidently so understood by Lord Brougham himself; for he declares that the statement made by Lord Aberdeen was perfectly satisfactory; and that it would be "received with joy by all who were favorable to the object of the Anti-Slavery Society". That object is *universal* emancipation. Lord Aberdeen said nothing to indicate that he had been misunderstood. In a matter so seriously affecting a friendly power, it is not to be supposed that he would have suffered any misapprehension to exist in regard to his meaning and intentions. It does no violence to the rules of fair construction, to understand his language as an avowal of designs which, whether so intended or not, threaten very serious consequences to the United States.

The President would be reluctant to believe that any design unfriendly to this country, or aiming at the institutions of any of the States of our Union, enters into the policy of England. He cannot, however, look with indifference upon such declarations as these, made by her leading statesmen, and with the full authority of the Government. He attaches the more importance to these declarations, because they are perfectly consistent with information received from other sources, all tending to the conclusion that the policy of England, in regard to the abolition of negro slavery, is not limited to Texas alone.

No foreign Government can be permitted to interfere, directly or indirectly, with the established institutions of the United States or of any of the separate States of our Union. The bare suspicion of such a design is calculated to excite, and in this instance has actually excited a very strong sensation among our people. If Lord Aberdeen has not been misunderstood, the very freedom with which he has avowed his purposes evinces either that strong confidence of success which usually attends well arranged measures, or a strange mistake as to our disposition or ability to counteract him. Be that as it may he has rendered it necessary that we should know distinctly and without doubt how far our just apprehensions upon this point are well-founded.

Even if the designs of Great Britain be limited to the emancipation of the slaves of Texas, they cannot be regarded by us with indifference. Although we have no right to control or to direct her policy towards that country, she cannot justly complain of any measure on our part which that policy may render necessary either to our security or our interest. It is scarcely to be doubted that in both these respects, the contemplated measure would be injurious to us. Although Lord Brougham may not be correct in supposing that the liberation of the slaves of Texas would necessarily lead to the liberation of those of the United States, yet the States in which slavery exists would have good reason to apprehend the worst consequences from the establishment of a foreign non-slave-holding State upon their immediate borders. In other respects, affecting our commercial, navigating, and manufacturing interests, we should have much reason to regret that measure.

If Texas, of her own free will, shall see cause to abolish slavery within her borders, the United States, however they might regard it as likely to affect their interests, will have no right to complain. But we have a right to object to any measure of a foreign Government which may place her under constraint upon that subject, and lead her, contrary to her own views and wishes, to the adoption of a policy which cannot but be highly injurious to us.

Hence it is of great importance that this Government should be fully and accurately informed in regard to the intentions and measures of the British Government, with reference to African slavery on this side the Atlantic. Our own policy will necessarily be affected by hers. The object of this Government is to discover whether it is or is not the design of England to procure the abolition of negro slavery in Texas; whether it is or is not contemplated in her policy to destroy or affect that institution as it exists in some of the States of our Union; what measures she has pursued and is pursuing for the accomplishment of these objects, or either of them. I cannot, of course, point out to you the channels through which this information may be best acquired. It is probable that much may be learned by free communication with the Texan Chargé d'Affaires in London. As that country and the United States have a common interest in the questions involved, there is every reason why their Governments should understand each other. Much information may doubtless be obtained from private individuals, and from the published proceedings of Abolition Societies. All these sources of information, however, are only of a secondary and auxiliary character. The circumstances of the case justify and require a direct application to Lord Aberdeen himself. The friendly relations subsisting between the two countries, give us a right to expect that there will be no concealment on a point so nearly affecting our interests. And it is equally due to the British Government that it should have an opportunity to remove our well-grounded suspicions by a distinct disavowal of designs which are incompati-

ble with the harmony of the two countries, and inconsistent with the friendly feelings which they profess towards each other.

You will, therefore, take an early occasion to bring this subject to the attention of Lord Aberdeen, availing yourself not only of the views here suggested, but of all others which may occur to your own mind as proper to be presented, and calculated to attain the object in view.

I would impress upon you the absolute necessity that you carefully observe the proceedings of the British Government touching this important and delicate subject, and that you spare no pains to inform yourself fully and accurately in regard to its objects and designs. It is highly desirable that your communications to this Department should be as full and frequent as possible, omitting nothing which it may become this Government to consider with reference to its own measures and policy.

I am [etc.].

2677

*Abel P. Upshur, Secretary of State of the United States, to Edward Everett, United States Minister to Great Britain*<sup>1</sup>

Confidential.

WASHINGTON, September 28, 1843.

SIR: My public despatch of this date<sup>2</sup> calls your attention to the subject of the attempt which, as we have reason to think, the British Government is now making to procure the abolition of slavery in Texas and the United States. It did not appear to me proper to embody in that despatch all the views of that subject, which have been taken by this Government. In order however that you may understand what degree of importance is attached to it, I present to you in this private and semi-official form some of the most important points on which we have considered it.

It is impossible to suppose that England is actuated in this matter by a mere feeling of philanthropy. We are forced to believe that she is acting upon motives more in the usual course of policy among great nations, yet equally worthy of her, as a wise and powerful country. Her objects undoubtedly are to revive the industry of her East and West India Colonies, to find new markets for her surplus manufactures, and to destroy, as far as possible, the rivalry and competition of the manufactures of the United States. That the abolition of African Slavery throughout the Western World would lead to these results, is altogether probable. At all events, the plan is sufficiently promising to have engaged the anxious attention of British statesmen; and, for that reason, if for no other, it is worthy of careful examination by us.

It is well known that the physical constitution of the African is much better adapted to tropical climates than that of the European. Indeed, in those re-

<sup>1</sup> Instructions, Great Britain, vol. 15.

<sup>2</sup> No. 61, above, this part, doc. 2676.

gions of America which are best suited to the production of sugar, cotton, and rice, the labor of white men cannot be used to any considerable extent. The soils and climates of the East and West India colonies of Great Britain are well adapted to the production of all these articles; and to these may be added the finer kinds of tobacco. If England could produce these things instead of being compelled to purchase them, it would be an incalculable relief to her people. But this she cannot do, except at a much greater cost than that at which they are now afforded by the labor of slaves. Hence, so far as the industry of her colonies is concerned, she has a direct interest to abolish slavery in those countries in which the labor of that class now supercedes the labor of her colonies.

The importance of new markets for her surplus manufactures is obvious enough. Nations who are free to make their own contracts, and able to support their own policy, are not apt to give advantages in trade, except for fair equivalents. Texas is not in that condition: She must make the best terms she can, and be contented even with the worst, if they be the price of her existence as a nation. There is no reason to believe therefore that the demands of England upon that country will be limited to the simple abolition of slavery. She will expect in return for her interposition and protection, a more substantial advantage; and that will be a treaty of commerce granting more favorable terms to her than to other nations. This is in the usual course of her policy; and her position as a friendly mediator and protector will give her a fair pretence for such a claim. Texas will have no alternative but to allow it.

But the third object which she has in view is still more interesting to us. Even at this day the United States are her most formidable rival in commercial enterprize and in manufacturing skill and industry; and, if we may judge from our rapid advancement hitherto, the time is not distant when we shall surpass her in all these particulars. Whatever is calculated to embarrass our movements, or impede our progress, is a positive advantage to her. Let us suppose then that her present attempt upon Texas, and through her upon the United States, will succeed. We shall thus be the better able to estimate the influence which that state of things will exert upon the United States. The question is not sectional. Although the first and most disastrous effects of such a state of things would be felt in the slave-holding States, they would extend to and embrace important interests in every other part of the country. We must contemplate it, therefore, as a national question, and endeavor to ascertain its bearing upon the United States as such, and upon the several portions of the United States. It is worthy also of consideration as a measure of humanity with reference to the slaves themselves.

No man who knows any thing of his own nature can suppose it to be possible, that two races of men, distinguished by external and ineffaceable marks, obvious to every eye; who have held towards each other from time imme-

morial the relation of master and slave, could ever live together as equals, in the same country and under the same Government. If, therefore, slavery be abolished, the one or the other of the races must leave the country, or be exterminated. This choice would be for the slaves, because they are the weaker party. Where should they fly? To the neighboring free States, for there would be no other place of refuge. Would those States receive them? Let it be remembered that they now number *two and a half millions*, and the free negroes, who must share their fate, number near four hundred thousand more; and let it also be remembered that nearly all of them are and would be paupers. No wise State would willingly take upon itself the burthen of such a population. And even if all of them were healthy laborers, the evil would scarcely be less. The white laborer would not endure such a competition. He would not agree to work side by side with a degraded caste; he would not submit to have his industry rendered less profitable by the competition of new comers of a strange and dishonored race. This is sufficiently shown by well known occurrences in some of our principal towns, within a few years past. The chances then are that the African would be a persecuted pauper, even as a free citizen of a free State. But even if he should be permitted to share fairly in the labor of the country, that labor would soon come to be considered as his appropriate sphere, and as unworthy of the white man. It is not the policy of our States, nor of England, thus to degrade labor. To all this may be added the certainty that the African race, existing in large numbers as freemen, in countries whose Governments and laws recognize no difference of color, would not long be satisfied to be excluded from any political right, or civil privilege, or social advantage allowed to the white man. The discords and angry contests which would grow out of this state of things, and the effect which they would have upon the tranquillity and prosperity of the country, may be easily imagined. A wise Government would avoid them, by at once shutting the door against the emancipated slave. The only alternative would be the extermination of his race.

So far, then, as the slaves themselves are concerned, their condition would be infinitely worse than it now is, while their influence as freemen upon our manners and social condition, would not fail to be, in the highest degree, unfavorable.

But in another view, the subject is equally interesting. What effect would be produced upon the productive industry of the South, by withdrawing from it all the labor afforded by two and a half millions of its people? This is nearly one-half the entire population of the slave-holding States. It is not possible to suppose that their places would soon be supplied by white labor. If there were no other difficulty in the way, the climate alone would oppose an insuperable obstacle. But even under the most favorable circumstances, so large a number of laborers is not easily obtained. Let it be

borne in mind that these slaves perform nearly the whole agricultural labor of the South. If that labor should be withdrawn, their fields must lie uncultivated, their houses and other improvements must go to decay, and their lands be worth nothing. The utter ruin of the whole country, and of its credit and creditors, must be the consequence. No influx of new settlers could prevent it. The most rapid course of immigration which has ever yet been witnessed would be too slow to arrest the overwhelming destruction.

But the evil would not be confined to the slave-holding States. A very large proportion, probably not less than three-fourths of the exports of the United States are, either directly or indirectly, the products of slave labor. We must cease to import, when we cease to export. To say nothing of the comforts and accommodations which would thus be lost, or of the disastrous influences which would thus be exerted upon our progress as a refined and enlightened People, the revenue of the country would fail, and the necessary expenditures of Government for the civil administration, for foreign intercourse, and for the means of defence in war, could not be met without a resort to direct taxes. This would be a hopeless experiment. It is very difficult to lay any direct tax in exact conformity with the provisions of our constitution; and it would be still more difficult, if not absolutely impossible, to make such tax acceptable to the people under the change which would be produced in the ratio of representation by the liberation of the slaves. Besides, the destruction of so much of the agriculture of the country would involve to the same extent that of its commerce and navigation; and the consequent impoverishment of the people would render them alike unable and unwilling to pay any tax whatever. If such a state of things should prevail, even for a single year, the consequences would be very disastrous.

There is still another interest which must share largely in this ruin. The vast capital now employed in the manufacture of cotton goods must sink in value in proportion as the labor which produces the raw material shall be withdrawn. The incidental consequences would be little less disastrous. The railroads, the canals, and other similar improvements which have grown out of the general prosperity of the country, depend on all the combined results of all the pursuits of industry. Even a serious embarrassment of that industry for any length of time would materially injure them; but it would be difficult to sustain them at all under such a shock as we have now contemplated. All that has grown out of and depends upon them, would fall along with them. We need not follow the subject through all its ramifications: they extend to all the important pursuits of industry throughout the country. It is impossible to calculate the amount of ruin and suffering which would follow the sudden emancipation of the slaves of the United States. It would be not much less were that measure carried in any form by any other agency than that of the States who own the slaves, and who

alone can know how rapidly it is practicable or desirable to supply their places with other laborers.

Here is indeed a promising field for the policy of England. What better encouragement would the industry of her colonies require than the simple rise of price in the articles of sugar and cotton, which would be caused by diminished production? What rival need she fear when the agriculture, the commerce, the manufactures, and the navigation of the United States shall be thus withdrawn from competition with her?

As these would be the effects of the actual abolition of slavery in the United States, let us enquire what would be its effect if confined to Texas.

It is quite obvious that slavery could not easily be maintained in a country surrounded by other countries whose Governments did not recognise that institution. The difficulty in the present case would be increased by the fact that those countries would be inhabited by people of the same race with the slave owners, speaking the same language, having the same manners, and, in many respects, the same institutions. Our slave-holding States are separated from the Canadas by many intervening non-slave-holding States of our Union. Although those non-slave-holding States are as much opposed to the institution as England herself, yet the constitution of the United States lays them under obligations in regard to it which if duly respected would secure the rights of the slave-holder. The absconding slave, therefore, has many chances against him before he can reach Canada.

Texas, however, lies immediately on the border of Louisiana and Arkansas. The slave would have nothing more to do than simply to cross the Sabine or the Red River, and he would find himself a free man. He would be very sure to profit by the opportunity. All the vigilance which the master could use, enforced even by a harsher discipline than he would be willing to exert, would avail nothing. Within a few years a large proportion of the slaves within reach of the border would seek refuge in Texas, and the remainder would be rendered valueless by discontent and dangerous insubordination. The slave-holder ought not to submit, and would not submit, to this.

It is not probable that under such a state of public opinion as would then prevail any effectual arrangement would be made between the Governments of the two countries to remedy the evil. The slave-holder would be compelled to rely on himself for redress; he would endeavor to reclaim his own slave by his own force.

Scenes of violence and collision between the people of the two countries would be of almost daily occurrence; resentments would be kindled; and a war *de facto* would prevail. If our Government should take part in the contest we could scarcely hope that England would withhold herself from it; and thus a war with that country, and probably involving others, would ensue. If the contest should be begun between Texas and the adjoining slave-holding States, and our Government should refuse to take part in it,



the other slave-holding States would be impelled, both by their interests and their sympathies to come to the aid of the aggrieved States. The natural and necessary effect would be, incurable alienation and resentment between the two great divisions of our country, with all their trains of deplorable consequences.

I do not see how it would be possible to avoid this result by any measure short of the utter crushing of the Southern States.

Whatever might be our condition or our policy, if Texas by her own free act should liberate her slaves, we have every reason to object to the agency of England in that measure.

I have already remarked that England would not be content with that measure alone. Her commerce is her great support, and therefore it is the principal object of her policy to form advantageous commercial treaties.

There can be little doubt that she would demand and obtain the admission of her manufactures into Texan markets upon terms so favorable as to forbid all competition. Thus these markets would be lost to the American manufacturer. But this would not be the worst evil. The fabrics of England would be sent to that country with the express view of having them smuggled into the United States. The process would be the easiest in the world, and such as it would be absolutely impossible for this Government to prevent. In a short time our Southwestern States, and indeed the whole valley of the Mississippi, would be filled with English goods, smuggled across the border, and occupying the place of an equal number now furnished by the American manufacturer. Thus the home market also would, to a great extent, be lost to American skill and industry. In the mean time importations would cease, at least to the amount of all the excess of the smuggled articles over the usual supply furnished by the American manufacturer. The revenue would suffer to the full amount of the duties upon *all* the smuggled articles, and our navigating interest would suffer in proportion.

That the designs of England are such as I have supposed, there is, I fear, very little reason to doubt. Her statesmen have uniformly claimed for her a right to interpose in the politics of the Americas, so as to preserve what she is pleased to call "the balance of power" among their several States. She claims to have a commercial ascendancy in the Gulf of Mexico, and professes to feel her honor, as well as her interest, committed to maintain it. This we learn from her Parliamentary debates, and the declarations of her public leading men, from 1830 down to this time. Why, then, should we doubt her present purposes; since, independent of all other proofs, the measure now proposed is best of all calculated to sustain these high and long-cherished pretensions? We should well deserve the fate her policy is preparing for us if we should disregard the admonitions which we have received from past events, and which we are daily receiving from daily occurrences, and quietly looking on, and unresisting, witness the consummation of her designs.

It is not to be supposed that, if domestic slavery should be abolished in the United States and Texas, it could long be maintained in Cuba. England has a strong motive to destroy the competition of slave labor in that Island, as in any other part of the world; and she is not free from the suspicion of having already attempted it. Spain in her distracted condition would scarcely be able to hold out against the pressure of England and the example of the United States. In that state of things, the value of the Island as a colony would be very little to Spain. England is her creditor, and she has never shown herself backward in enforcing all her claims in that character. With these advantages the transfer of Cuba to her would not be at all surprising, nor in any manner out of the usual course of English policy. She would thus hold the key of the Gulf of Mexico, and would effectually control its trade, even if she should fail to engross it.

But it is not to be supposed that the abolition of slavery in the United States would be submitted to. That institution exists in twelve of our States, and in the territory of Florida. It has existed in some of them from an early date after they were established as colonies; and in all of them since their State Governments were formed. It is now so interwoven with the institutions of those States, with their legislation, their habits, their feelings, and their social character, that the abolition of it would be in effect a revolution. In fact it could not be accomplished by any means short of revolution and the total overthrow of all the present political systems of the slaveholding States. It is idle to debate it as a question of philanthropy or of policy. Whether for good or for evil the institution is fixed upon us; and we cannot shake it off, nor permit it to be disturbed by a foreign Power, without introducing a train of worse evils, the end of which no human sagacity can foresee. We must be infatuated indeed if we can quietly submit to any policy of a foreign nation designed or calculated to bring it into danger.

These are the solemn issues involved in the *present* policy of England. So far as we may be allowed to anticipate effects from the character of their causes, I can perceive no reason to think that the picture I have presented is too highly colored. It is enough for us, however, that a leading and fundamental institution, interwoven with the interests of nearly one-half of the States of our Union is threatened by the policy of a foreign Power. It is not a small matter to break up or invade a relation so ancient, so firmly established, and so extended and various in its influences upon all relations of society. A wise statesman would not rashly hazard such an experiment. We may well distrust our own judgments when we undertake to calculate the results of a measure so unusual, so various and extended in all its bearings; and if we are either wise or prudent we shall pause long before we throw ourselves upon its untried consequences.

I am [etc.].

2678

*John C. Calhoun, Secretary of State of the United States, to Richard Pakenham, British Minister to the United States*<sup>1</sup>

WASHINGTON, April 18, 1844.

The Undersigned Secretary of State of the United States, has laid before the President the note of the Right Honorable Mr. Pakenham, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, addressed to this Department on the 26<sup>th</sup> of February last,<sup>2</sup> together with the accompanying copy of a despatch of Her Majesty's Principal Secretary of State for Foreign Affairs to Mr. Pakenham.<sup>3</sup>

In reply, the Undersigned is directed by the President to inform the Right Honorable Mr. Pakenham that, while he regards with pleasure the disavowal of Lord Aberdeen of any intention on the part of Her Majesty's Government "to resort to any measures, either openly or secretly, which can tend to disturb the internal tranquillity of the slave-holding States, and thereby affect the tranquillity of this Union," he, at the same time, regards with deep concern, the avowal, for the first time made to this Government, "that Great Britain desires, and is constantly exerting herself to procure the general abolition of slavery throughout the world."

So long as Great Britain confined her policy to the abolition of slavery in her own possessions and colonies, no other country had a right to complain. It belonged to her, exclusively, to determine according to her own views of policy whether it should be done or not. But when she goes beyond, and avows it as her settled policy, and the object of her constant exertions, to abolish it throughout the world, she makes it the duty of all other countries, whose safety or prosperity may be endangered by her policy, to adopt such measures as they may deem necessary for their protection.

It is with still deeper concern the President regards the avowal of Lord Aberdeen of the desire of Great Britain to see slavery abolished in Texas; and, as he infers, is endeavoring, through her diplomacy, to accomplish it, by making the abolition of slavery one of the conditions on which Mexico should acknowledge her independence. It has confirmed his previous impressions as to the policy of Great Britain in reference to Texas, and made it his duty to examine with much care and solicitude, what would be its effects on the prosperity and safety of the United States should she succeed in her endeavors. The investigation has resulted in the settled conviction that it would be difficult for Texas, in her actual condition, to resist what she desires, without supposing the influence and exertions of Great Britain would be

<sup>1</sup> Notes to Great Britain, vol. 7.

Richard Pakenham presented his credentials as envoy extraordinary and minister plenipotentiary of Great Britain on February 21, 1844. He took leave on May 21, 1847.

<sup>2</sup> Below, this volume, pt. II, doc. 2826.

<sup>3</sup> For this document, dated December 26, 1843, see below, this volume, pt. II, p. 252, note 3.

extended beyond the limits assigned by Lord Aberdeen; and that, if Texas could not resist, the consummation of the object of her desire would endanger both the safety and prosperity of the Union. Under this conviction, it is felt to be the imperious duty of the Federal Government, the common representative and protector of the States of this Union, to adopt, in self-defence, the most effectual measures to defeat it.

This is not the proper occasion to state at large the grounds of this conviction. It is sufficient to say, that the consummation of the avowed object of her wishes in reference to Texas, would be followed by hostile feelings and relations between that country and the United States, which could not fail to place her under the influence and control of Great Britain. That, from the geographical position of Texas, would expose the weakest and most vulnerable portion of our frontier to inroads, and place, in the power of Great Britain, the most efficient means of effecting in the neighboring States of this Union, what she avows it to be her desire to do in all countries, where slavery exists. To hazard consequences which would be so dangerous to the prosperity and safety of this Union, without resorting to the most effective measures to prevent them, would be, on the part of the Federal Government, an abandonment of the most solemn obligation imposed by the guaranty, which the States, in adopting the constitution, entered into to protect each other against whatever might endanger their safety, whether from without or within. Acting in obedience to this obligation, on which our Federal System of Government rests, the President directs me to inform you that a treaty has been concluded between the United States and Texas, for the annexation of the latter to the former, as a part of its territory, which will be submitted without delay to the Senate for its approval. This step has been taken as the most effectual, if not the only, means of guarding against the threatened danger, and securing their permanent peace and welfare.

It is well known that Texas has long desired to be annexed to this Union; that her People, at the time of the adoption of her constitution, expressed by an almost unanimous vote, her desire to that effect; and that she has never ceased to desire it, as the most certain means of promoting her safety and prosperity. The United States have heretofore declined to meet her wishes; but the time has now arrived when they can no longer refuse consistently with their own security and peace, and the sacred obligation imposed by their constitutional compact, for mutual defence and protection. Nor are they any way responsible for the circumstances which have imposed this obligation on them. They had no agency in bringing about the state of things which has terminated in the separation of Texas from Mexico. It was the Spanish Government and Mexico herself which invited and offered high inducements to our citizens to colonize Texas. That, from the diversity of Character, habits, religion, and political opinions, necessarily led to the separation, without the interference of the United States in any manner

whatever. It is true, the United States, at an early period, recognised the independence of Texas: but, in doing so, it is well known, they but acted in conformity with an established principle to recognise the Government *de facto*. They had previously acted on the same principle in reference to Mexico herself, and the other Governments which have risen on the former dominions of Spain, on this continent. They are equally without responsibility for that state of things already adverted to as the immediate cause of imposing on them, in self-defence, the obligation of adopting the measure they have. They remained passive, so long as the policy on the part of Great Britain, which has led to its adoption, had no immediate bearing on their peace and safety. While they conceded to Great Britain the right of adopting whatever policy she might deem best, in reference to the African race, within her own possessions, they, on their part, claim the same right for themselves. The policy she has adopted, in reference to the portion of that race in her dominions, may be humane and wise; but it does not follow, if it prove so with her, that it would be so in reference to the United States and other countries, whose situation differs from hers. But, whether it would be or not, it belongs to each to judge and determine for itself. With us, it is a question to be decided, not by the Federal Government, but by each member of this Union for itself, according to its own views of its domestic policy; and without any right on the part of the Federal Government to interfere, in any manner whatever. Its rights and duties are limited to protecting, under the guaranties of the constitution, each member of this Union, in whatever policy it may adopt, in reference to the portion within its respective limits. A large number of the States has decided, that it is neither wise nor humane to change the relation, which has existed from their first settlement, between the two races; while others, where the African is less numerous, have adopted the opposite policy.

It belongs not to this Government to question whether the former have decided wisely or not; and if it did, the Undersigned would not regard this as the proper occasion to discuss the subject. He does not, however, deem it irrelevant to state, that, if the experience of more than half a century is to decide, it would be neither humane nor wise in them to change their policy. The census and other authentic documents show that, in all instances in which the States have changed the former relation between the two races, the condition of the African, instead of being improved, has become worse. They have invariably sunk into vice and pauperism, accompanied by the bodily and mental inflictions [afflictions] incident thereto—deafness, blindness, insanity and idiocy, to a degree without example; while, in all other States which have retained the ancient relation between them, they have improved greatly in every respect—in number, comfort, intelligence, and morals, as the following facts, taken from such sources will serve to illustrate.

The number of deaf and dumb, blind, idiots and insane, of the negroes in

the States that have changed the ancient relation between the races, is one out of every ninety-six; while in the States adhering to it, it is one out of every six hundred and seventy-two—that is seven to one in favor of the latter as compared with the former.

The number of whites, deaf and dumb, blind, idiots and insane, in the states that have changed the relation, is one in every five hundred and sixty-one; being nearly six to one against the free blacks in the same States.

The number of negroes who are deaf and dumb, blind, idiots and insane, paupers, and in prison in the States that have changed, is one out of every six; and in the States that have not, one out of every one hundred and fifty-four; or twenty-two to one against the former as compared with the latter.

Taking the two extremes of North and South, in the State of Maine the number of negroes returned as deaf and dumb, blind, insane and idiots, by the census of 1840, is one out of every twelve; and in Florida, by the same returns, is one out of every eleven hundred and five; or ninety-two to one in favor of the slaves of Florida, as compared with the free blacks of Maine.

In addition, it deserves to be remarked, that, in Massachusetts, where the change in the ancient relation of the two races was first made, (now more than sixty years since,) where the greatest zeal has been exhibited in their behalf, and where their number is comparatively few, (but little more than eight thousand in a population of upwards of seven hundred and thirty thousand,) the condition of the African is amongst the most wretched. By the latest authentic accounts, there was one out of every twenty-one of the black population in jails or houses of correction; and one out of every thirteen was either deaf and dumb, blind, idiot, insane, or in prison. On the other hand, the census and other authentic sources of information establish the fact, that the condition of the African race throughout all the States, where the ancient relation between the two has been retained, enjoys a degree of health and comfort which may well compare with that of the laboring population of any country in christendom; and it may be added, that in no other condition, or in any other age or country has the negro race ever attained so high an elevation in morals, intelligence, or civilization.

If such be the wretched condition of the race in their changed relation, where their number is comparatively few, and where so much interest is manifested for their improvement, what would it be in those States where the two races are nearly equal in numbers, and where, in consequence, would necessarily spring up mutual fear, jealousy, and hatred, between them? It may, in truth, be assumed as a maxim, that two races differing so greatly, and in so many respects, cannot possibly exist together in the same country, where their numbers are nearly equal, without the one being subjected to the other. Experience has proved, that the existing relation in which the one is subjected to the other in the slave-holding States, is consistent with the

peace and safety of both, with great improvement to the inferior; while the same experience proves, that the relation which it is the desire and object of Great Britain to substitute in its stead, in this and all other countries, under the plausible name of the abolition of slavery, would, (if it did not destroy the inferior by conflicts to which it would lead,) reduce it to the extremes of vice and wretchedness. In this view of the subject, it may be asserted that what is called slavery, is, in reality, a political institution, essential to the peace, safety, and prosperity of those States of the Union in which it exists. Without, then, controverting the wisdom and humanity of the policy of Great Britain, so far as her own possessions are concerned, it may be safely affirmed, without reference to the means by which it would be effected, that, could she succeed in accomplishing in the United States, what she avows it to be her desire, and the object of her constant exertions to effect throughout the world, so far from being wise or humane, she would involve in the greatest calamity the whole country, and especially the race which it is the avowed object of her exertions to benefit.

The Undersigned [etc.].

2679

*John C. Calhoun, Secretary of State of the United States, to Richard Pakenham, British Minister to the United States*<sup>1</sup>

WASHINGTON, April 27, 1844.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the answer<sup>2</sup> which the Right Honorable Mr. Pakenham, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty was pleased to make to his note of the 18<sup>th</sup> instant,<sup>3</sup> relating to the despatch of Lord Aberdeen,<sup>4</sup> of which a copy was left with the late Secretary of State Mr. Upshur, by his request.

He regrets that Mr. Pakenham has fallen into an error, in supposing that the Undersigned intended, by introducing the statistical facts in reference to the comparative condition of the African race in the States of this Union, where slavery has been abolished, and where it is still retained, with the accompanying remarks, was "to expound the subject of slavery," and to "defend it as it exists in the United States."

If Mr. Pakenham will have the goodness to recur to the note of the Undersigned, he will find, on a reperusal, that his intention in introducing the details, instead of being that which he attributes to him, was to correct what the Undersigned believed to be a misconception on the part of Her Majesty's

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> Dated April 19, 1844, below, this volume, pt. II, doc. 2828.

<sup>3</sup> Above, this part, doc. 2678.

<sup>4</sup> For this document, dated December 26, 1843, see below, this volume, pt. II, p. 252, note 3.

Government, as set forth in Lord Aberdeen's despatch.<sup>1</sup> His Lordship seems to be of the impression, that the objection of the United States was not to the policy of Great Britain, in reference to abolition as avowed by him; but to the means which might be resorted to for its accomplishment; and that if slavery should be abolished in the United States, by the influence and exertions of Great Britain, without using what he is pleased to call "secret," or "undue means," it would be an act of humanity to the African race, and, in its consequences, would neither "disturb the internal tranquillity of the States," where it exists, nor "affect the prosperity of the Union." The object of the Undersigned in introducing the statistical information referred to, was to correct this erroneous impression by showing from facts drawn from unquestionable sources, that the condition of the African race in the States which had abolished slavery was far worse than in those which had not; and that, of course, Great Britain could not consummate in the United States what she avows to be the object of her policy and constant exertions to effect throughout the world, without rendering the condition of the African race in the slave-holding States much worse than it is, and disturbing their "internal tranquillity and the prosperity of the Union."

That such was the intention of the Undersigned, he hopes will be evident to Mr. Pakenham on a reperusal of his note; and not as he supposes to "expound the subject of slavery," or to "defend it as it exists in the United States." He is the more solicitous to correct the error into which Mr. Pakenham has fallen, in this particular, because the intention which he attributes to the Undersigned would be incompatible with the principle which regulates the United States in their intercourse with the rest of the world; that is to leave all other countries without interference on their part to regulate their own internal relations and concerns as to each may seem best, without permitting any to interfere with theirs. He could not, consistently with this well-established principle of their policy, permit any question belonging exclusively to the internal relations or concerns of any of the States of this Union, to be brought into controversy between this and any foreign Government whatever.

The Undersigned regrets, that Mr. Pakenham should entertain the impression, that the Government of the United States did not appreciate at their full value the explanations of Her Majesty's Government on the subject of its policy in reference to Texas. He would repeat, what he had supposed had been explicitly stated in his note to Mr. Pakenham, the assurance that this Government fully appreciated the spirit of frankness and good faith, in which the explanations were furnished. If they have failed to allay the anxiety which it had previously felt on the subject to which they referred, it was because they were accompanied by an avowal, on the part of Her Majesty's Government in reference to the abolition of slavery generally, and

<sup>1</sup> For this document, dated December 26, 1843, see below, this volume, pt. II, p. 252, note 3.



to Texas in particular, calculated to defeat the object, which the explanations were intended to effect. It was not possible for the President to hear, with indifference, the avowal of a policy so hostile in its character and dangerous in its tendency to the domestic institutions of so many States of this Union, and to the safety and prosperity of the whole. Nor could he abstain from declaring his regret at the avowal, consistently with that frankness and sincerity which have ever characterized the conduct of this Government in its intercourse with other countries.

The United States in concluding the treaty of annexation with Texas, are not disposed to shun any responsibility which may fairly attach to them on account of the transaction. The measure was adopted with the mutual consent and for the mutual and permanent welfare of the two countries interested. It was made necessary in order to preserve a domestic institution, placed under the guaranty of their respective constitutions, and deemed essential to their safety and prosperity.

Whether Great Britain has the right, according to the principles of international law, to interfere with the domestic institutions of either country, be her motives or means what they may; or whether the avowal of such a policy and the exertions she has made to consummate it in Texas do not justify both countries in adopting the most effective measures to prevent it, are questions which the United States willingly leave to the decision of the civilized world. They confidently rest the appeal on the solid foundation, that every country is the rightful and exclusive judge, as to what should be the relations, social, civil, and political, between those who compose its population; and that no other country, under the plea of humanity, or other motive, has any right whatever to interfere with its decision. On this foundation rest the peace and the harmony of the world.

The Undersigned has again referred, in conformity with the request of Mr. Pakenham, to the portion of Lord Aberdeen's despatch<sup>1</sup> to which he has pointed his attention, with the view of rebutting the inference of the President, that Great Britain has endeavored, through her diplomacy, to effect the abolition of slavery in Texas, by making it one of the conditions on which Mexico should acknowledge her independence. He is constrained to say, on a careful reperusal, that he can discover nothing in it calculated, in any degree, to weaken the inference of the President. His Lordship avows that Great Britain wishes to see slavery abolished in Texas; that she would rejoice if the recognition of that country by the Mexican Government should be accompanied by an engagement on the part of Texas to do so; and that she feels it to be her duty to promote such a consummation. If to these emphatic declarations the fact be added, that Great Britain, at the very time they were made, was engaged in negotiating with the Mexican Government in order to obtain from it a recognition of the independence

<sup>1</sup> For this document, dated December 26, 1843, see below, this volume, pt. II, p. 252, note 3.

of Texas, and that she declined to unite with France and the United States in a joint effort for that purpose, it is surely not a forced or unfair inference to conclude, without calling in the aid of other evidence, that she used in conducting it all the legitimate means of diplomacy, backed by her great influence, to effect an object, in the accomplishment of which she acknowledges she took so deep an interest, and to which she obviously attached so much importance. Nor does the Undersigned regard the declarations of Lord Aberdeen, that Great Britain would not interfere unduly or with any improper assumption of authority; that she will counsel, but not seek to compel or unduly control either party, as, in any degree, weakening the inference of the President: nor does he consider the remarks of Mr. Pakenham as a denial of its truth.

The Undersigned [etc.].

2680

*John C. Calhoun, Secretary of State of the United States, to Edward Everett, United States Minister to Great Britain*<sup>1</sup>

No. 85

WASHINGTON, April 27, 1844.

SIR: I herewith transmit to you a copy of the treaty concluded between this Government and the Republic of Texas, with the accompanying documents,<sup>2</sup> which has been laid by the President before the Senate for its approval.

I also forward you copies of a correspondence between this Department and Mr. Pakenham, Her Majesty's Minister near this Government;<sup>3</sup> to all of which I call your especial attention.

The necessity of preparing these papers so as to have them ready for the steamer of the 1<sup>st</sup> proximo, with the briefness of the time allowed me before the mail which carries them closes, will allow but few remarks.

You will perceive that the measure which has been adopted was demanded by the condition in which the avowed policy of Great Britain as proclaimed in Lord Aberdeen's despatch,<sup>4</sup> had placed the United States. This Government could not quietly fold its arms, while a policy was avowed and measures adopted so fatal to the safety and prosperity of the Union. It is in this view of the subject that the Government, as you will perceive, has felt itself called upon to act; and in this aspect it is urgently addressed to your consideration. You will, in your correspondence with Her Majesty's Govern-

<sup>1</sup> Instructions, Great Britain, vol. 15.

<sup>2</sup> This treaty and accompanying documents are not included in this publication. The treaty was signed at Washington, April 12, 1844, by J. C. Calhoun and Isaac Van Zandt. It is filed in the Unperfected-treaties file, R-3.

<sup>3</sup> Presumably the correspondence enclosed was that above, this part, April 18 and 27, 1844, docs. 2678 and 2679, and below, this volume, pt. II, February 26 and April 19, 1844, docs. 2826 and 2828.

<sup>4</sup> For this document, dated December 26, 1843, see below, this volume, pt. II, p. 252, note 3.

ment, fail not to vindicate the motives, and sustain the course of the President, by an appeal to the facts and arguments adduced in the correspondence communicated; and, in temperate but firm language, make it to be understood that, reluctantly constrained in self-defence to adopt the measure in question, the Government of the United States will shun no responsibility which justly attaches to her conduct.

I will, by the first opportunity, communicate with you further and more fully on the subject; and am [etc.].

2681

*John C. Calhoun, Secretary of State of the United States, to Edward Everett, United States Minister to Great Britain*<sup>1</sup>

No. 104

WASHINGTON, August 27, 1844.

SIR: I enclose, herewith, a copy of a despatch recently addressed by this Department to Mr. King, our Minister at Paris;<sup>2</sup> and respectfully call your attention to its contents. It presents the views of our Government on the important subject of which it treats; and occasions may occur in your intercourse or correspondence where, with prudence and discretion, they may be used to advantage in vindicating the character and conduct, and sustaining the policy of the United States in reference to Mexico and Texas.

You will also receive, enclosed, packages addressed to our Ministers at the Hague, Berlin, St. Petersburg, and Madrid, which I would thank you to cause to be forwarded to them by the first safe *private* medium which may offer.

I am [etc.].

2682

*John C. Calhoun, Secretary of State of the United States, to Edward Everett, United States Minister to Great Britain*<sup>3</sup>

No. 107

WASHINGTON, September 12, 1844.

SIR: I herewith transmit to you a copy of a despatch to the Honorable Wilson Shannon our Minister at Mexico,<sup>4</sup> in order that you may be possessed of the views of your Government in regard to Texas, and the proposed invasion by Mexico. The despatch is also designed as a reply, incidentally, to the appeal made by Mexico to the Ministers of Foreign Powers.

I am [etc.].

<sup>1</sup> Instructions, Great Britain, vol. 15.

<sup>2</sup> See No. 4 to King, August 12, 1844, above, vol. VI, doc. 2472.

<sup>3</sup> This instruction was copied from Instructions, The Netherlands, vol. 14, since an index entry in Instructions, Great Britain, vol. 15, stated that No. 107 to Everett was the same as No. 22, of this date, to Hughes at The Hague.

<sup>4</sup> See below, vol. VIII, doc. 3243, No. 6, September 10, 1844.

2683

*James Buchanan, Secretary of State of the United States, to Louis McLane, United States Minister to Great Britain*<sup>1</sup>

No. 19

WASHINGTON, December 13, 1845.

SIR: I transmit to you, herewith, a printed document containing the President's message to Congress at the opening of the present session, and copies of the diplomatic correspondence therein referred to, on the subject of the annexation of Texas to the United States,<sup>2</sup> and on the question of boundary in the Oregon or Columbia territory. Copies are likewise sent for other diplomatic agents of the United States in Europe, which you will have the goodness to cause to be forwarded through the usual channels.

I am [etc.].

2684

*James Buchanan, Secretary of State of the United States, to Louis McLane, United States Minister to Great Britain*<sup>3</sup>

No. 30

WASHINGTON, May 14, 1846.

SIR: I transmit to you, herewith, a proclamation of the President of yesterday's date,<sup>4</sup> declaring that war exists between the United States and Mexico. Congress adopted the measure with unprecedented unanimity. There were but fourteen dissenting voices in the House, and two in the Senate. The truth is, that we had endured so many insults and grievous wrongs from Mexico with such unexampled patience that at the last she must have mistaken our forbearance for pusillanimity. "The Union" of the 11<sup>th</sup> and 12<sup>th</sup> instant, which has been forwarded to you, contains the President's message and all the proceedings upon it in Congress, resulting in the declaration of war.

The vote in Congress will serve to convince the world that in this country at a crisis when it becomes necessary to assert the national rights, and vindicate the national honor, all party distinctions vanish.

You will observe from the President's message the extreme reluctance with which the United States have engaged in this war. It is our interest, as it has ever been our inclination, that Mexico should be an independent

<sup>1</sup> Instructions, Great Britain, vol. 15.

<sup>2</sup> The correspondence mentioned in the message, reproduced in this publication, includes: the Secretary of State's instruction, dated March 3, 1845, to Chargé d'Affaires Donelson, which is presumably the one referred to in the message as "addressed to the Republic of Texas," and which is below, in the volume and part containing Communications to Texas; the note of the Mexican envoy to the United States to the Secretary of State, dated March 6, 1845; and the despatch from Consul Black to the Secretary of State, dated October 17, 1845, the last two, below, vol. VIII, pt. II, docs. 3570 and 3624.

<sup>3</sup> Instructions, Great Britain, vol. 15. This instruction is nearly identical with that of the same date to Harris in Argentina, above, vol. I, doc. 17.

<sup>4</sup> See above, vol. I, doc. 17, p. 33, note 2.

and powerful republic, and that our relations with her should be of the most friendly character. The successive revolutions by which she has been afflicted, and the avaricious and unprincipled men who have placed themselves at the head of her Government, have brought her to the brink of ruin. We feel deeply interested that she should establish a stable Government sufficiently powerful and pacific to prevent and punish aggressions upon her neighbors. For some years, in our intercourse with her, we have incurred much of the expense, and suffered many of the inconveniences, of war whilst nominally at peace. This state of things had at last become intolerable.

We go to war with Mexico solely for the purpose of conquering an honorable and permanent peace. Whilst we intend to prosecute the war with vigor, both by land and by sea, we shall bear the olive branch in one hand and the sword in the other; and whenever she will accept the former, we shall sheath the latter.

A strict blockade of the ports of Mexico, both on the Atlantic and Pacific will be immediately established. This, by depriving her of the revenue which she derives from customs will, it is hoped, speedily bring her to offer or to accept reasonable terms. Besides, it will then become the interest of the foreign nations who now enjoy the monopoly of her commerce, to exert their influence with her Government for the restoration of peace, upon just and liberal principles.

It is but fair that you should announce to the Earl of Aberdeen the intention of the President to blockade the ports of Mexico; but you may assure him that the same facilities which the French granted in their recent blockade of Vera Cruz to the British mail steamers, shall be extended to them, at least for the present. In conversing with his lordship on the objects and purposes of the war, you will be guided by the sentiments contained in the President's message and this despatch.

I am [etc.].

P. S. Your despatches to N<sup>o</sup> 40,<sup>1</sup> inclusive, have been received at this Department.

2685

*James Buchanan, Secretary of State of the United States, to Louis McLane, United States Minister to Great Britain*<sup>2</sup>

No. 44

WASHINGTON, July 27, 1846.

SIR: I am instructed by the President to express his approbation of the manner in which you responded to the communication made to you by Lord Aberdeen, "unofficially and upon his own responsibility," in relation

<sup>1</sup> No. 40 does not pertain to inter-American affairs.

<sup>2</sup> Instructions, Great Britain, vol. 15.

to the subject of a mediation, on the part of the British Government, for the purpose of terminating our existing war with Mexico.<sup>1</sup>

I observe that Sir Robert Peel is reported in the *Morning Chronicle* to have used the following language in the House of Commons, on the evening of the 29<sup>th</sup> June last: "And, Sir, let me say, and I think it is to the credit of my noble friend (Lord Aberdeen,) that, on the occurrence of those hostilities between Mexico and the United States, before we were aware of the reception our proposal with regard to the Oregon Territory would meet with on their part, by the first packet that sailed for the United States, we tendered the offer of our services for the purpose of mediating between them and the Mexicans."

The report in the *Times* is substantially the same. Now, no such offer of mediation has ever been made to this Government, unless Sir Robert Peel may have construed what Lord Aberdeen had said to yourself on the subject to amount to such an offer. From your report of the conversation, which is doubtless correct, this would seem to have been a mistake. According to this report, His Lordship said that, although the British Government "did not intend to offer its mediation to our Government, among other reasons lest the offer might be rejected, he thought he might venture, in a private conversation with me [you], unofficially, and upon his own responsibility, to state that, if the President desired it, he would be happy, in a more formal way, to propose a mediation."

A report had obtained extensive circulation in this country previous to the arrival of the last steam packet (the *Cambria*,) that the British Government had offered its mediation to this Government; but Mr. Pakenham in conversation then informed me that he had received no instructions to make such an offer. Since the arrival of this vessel, that gentleman called and read to me a despatch from Lord Aberdeen to himself, in which, according to my understanding of it, His Lordship states that an offer had been actually made to you.

Whilst I attach no importance to the variance in these statements, I deem it proper to give you all the information on the subject in my possession. Whether your version or that of Lord Aberdeen be correct, (although I rely implicitly upon your statement,) the President equally approves the course which you have pursued.

I am [etc.].

<sup>1</sup> See despatch No. 55 from McLane, June 18, 1846, below, this volume, pt. II, doc. 2849.

2686

*James Buchanan, Secretary of State of the United States, to George Bancroft,  
United States Minister to Great Britain*<sup>1</sup>

No. 17

WASHINGTON, September 14, 1847.

SIR: I transmit you the copy of a letter, bearing date the 15<sup>th</sup> ultimo, from Colonel Henry Wilson, of the United States' army, the acting Governor of Vera Cruz, addressed to the War Department.<sup>2</sup> From this, as well as other information, it appears that Captain May, of the British steamer "Teviot", although fully aware of the character of his passenger, brought General Paredes from the Havana to Vera Cruz, and connived at, if he did not directly aid in, his landing at that port in a clandestine manner, and contrary to the established regulations requiring a visit from the proper inspecting officer before any passengers could be landed.

That the Captain of the British steamer, by this conduct, has been guilty of a grave and serious violation of the duties of neutrality which Great Britain owes to the United States, can neither be doubted nor denied. It is known to the world that General Paredes, as President of Mexico, was the chief author of the existing war between that Republic and the United States: and that he is the avowed and embittered enemy of our country. The British Captain must have known that all his influence would be exerted to prolong and exasperate this war. It is, indeed, truly astonishing, that, with a knowledge of these facts, he should have brought this hostile Mexican General under an assumed name on board of a British mail steamer to Vera Cruz, and aided or permitted him to land clandestinely for the purpose of rushing into the war against the United States. If any circumstance could aggravate this violation of neutrality, it would be the extraordinary privileges which this Government has granted to British mail steamers ever since the commencement of the present war.

The President has not yet determined what course he will pursue in regard to British mail steamers. The great law of self defence would, under the circumstances, justify him in withdrawing the privilege altogether from these steamers of entering the port of Vera Cruz; and thus effectually prevent the landing of enemies in disguise. He will not, however, resort, at present, to this extreme measure, convinced as he is that the British Government will at

<sup>1</sup> Instructions, Great Britain, vol. 15.

George Bancroft, of New York, was commissioned as envoy extraordinary and minister plenipotentiary to Great Britain on September 9, 1846. He left on August 31, 1849. On May 14, 1867, he was commissioned envoy extraordinary and minister plenipotentiary to Prussia. He was empowered to negotiate treaties of naturalization with Baden, Bavaria, and Hesse, and to negotiate treaties of naturalization and extradition with Württemberg. He served as agent of the United States on a commission which met under the treaty of May 8, 1871, between the United States and Great Britain for the settlement of differences. He was commissioned envoy extraordinary and minister plenipotentiary to the German Empire on May 31, 1871, and presented his credentials on July 23 of that year. He resigned on July 1, 1874.

<sup>2</sup> Not found.

once, upon your representation, adopt efficient means to prevent such violations of their neutrality for the future. In the mean time, Colonel Wilson will be instructed to adopt the necessary means, under the law of nations, for the purpose of preventing and punishing similar outrages on our belligerent rights. British mail steamers cannot be suffered to bring to Vera Cruz either Mexican citizens or the subjects of any other nation for the purpose of engaging in the existing war on the part of Mexico against the United States. A neutral vessel which carries a Mexican officer of high military rank to Mexico for the purpose of taking part in hostilities against our country, is liable to confiscation, according to the opinion of Sir William Scott, in the case of the *Orozembo*: (6 Robinson's Reports, 430) and this even although her Captain and officers were ignorant that they had such a person on board. That is their look out. Such ignorance is no excuse, because it is their duty to enquire into the character of their passengers. The consequence is the same to the belligerent as if they had acted with full knowledge. "Otherwise (in the language of that distinguished Jurist,) such opportunities of conveyance would be constantly used, and it would be almost impossible, in the greater number of cases, to prove the knowledge and privity of the immediate offender."

You are instructed to make Lord Palmerston fully acquainted with the conduct of Captain May. I do not know whether he or any of his officers who may be implicated in this serious charge are officers in the British service. Should this prove to be the case, then you will ask for their dismissal or such other punishment as may clearly manifest that the British Government has disapproved their conduct.

I am [etc.].

## 2687

*James Buchanan, Secretary of State of the United States, to John F. Crampton, British Chargé d'Affaires ad interim at Washington*<sup>1</sup>

WASHINGTON, August 19, 1848.

SIR: I have had the honor to receive your note of the 30<sup>th</sup> April last<sup>2</sup> objecting, on behalf of the British Government, to that clause in the fifth article of the late treaty between Mexico and the United States, by which it is declared, that "the boundary line between the two Republics shall com-

<sup>1</sup> Notes to Great Britain, vol. 7.

John Fiennes Twisleton Crampton, as secretary of the British legation in Washington, acted as chargé d'affaires *ad interim* from May 21, 1847 to December 24, 1849, and from August 13, 1851 to February 14, 1852, when he presented credentials as envoy extraordinary and minister plenipotentiary, and also Sir Henry Bulwer's letter of recall. The United States Government discontinued diplomatic intercourse with him on May 28, 1856, and sent him his passports on that day.

<sup>2</sup> See below, this volume, pt. II, doc. 2858.



mence in the Gulf of Mexico three leagues from land," instead of one league from land, which you observe "is acknowledged by international law and practice as the extent of territorial jurisdiction over the sea that washes the coasts of States."<sup>1</sup>

In answer, I have to state, that the stipulation in the treaty can only affect the rights of Mexico and the United States. If for their mutual convenience it has been deemed proper to enter into such an arrangement, third parties can have no just cause of complaint. The Government of the United States never intended by this stipulation to question the rights which Great Britain or any other Power may possess under the law of nations.

I avail myself [etc.].

2688

*James Buchanan, Secretary of State of the United States, to George Bancroft, United States Minister to Great Britain*<sup>2</sup>

[EXTRACT]

No. 41

WASHINGTON, October 23, 1848.

SIR: Your despatches to N<sup>o</sup> 92,<sup>3</sup> inclusive, have been duly received at this Department.

Mr. Joaquin de Osma, late Envoy Extraordinary and Minister Plenipotentiary from Peru to the United States, passed through this city a few days ago, on his way from Lima to London to represent his country in the same character in Great Britain. My official and personal intercourse with that gentleman was highly satisfactory throughout his mission. He is an able and estimable man: and his principles and feelings are all opposed to any interference on the part of Great Britain or other European nations with the domestic concerns of the Spanish American Republics on this continent.

Mr. Osma informed me, in conversation, that Senor Castro, the Governor of Costa Rica, as he had been credibly informed, had offered to place that State under the protection of the British Government. He will himself communicate the details to you. You will perceive from the enclosed extract from the instructions given by this Department to Mr. Hise, our Chargé d'Affaires to Guatemala,<sup>4</sup> in what light the President would view the conduct of that Government, should they accept this offer. Although, for the present, I am not prepared to give you any positive instructions on the subject; yet, nevertheless, you will be vigilant in ascertaining whether the informa-

<sup>1</sup> The quoted matter does not follow the spelling in the original note, in which the English spellings "gulph" and "practise" are used.

<sup>2</sup> Instructions, Great Britain, vol. 15.

<sup>3</sup> No. 92 is not included in this publication.

<sup>4</sup> Presumably an extract from instruction No. 1 to Hise, June 3, 1848, above, vol. 111, doc. 745, was enclosed with this instruction.

tion of Mr. Osma be well-founded; and, should this prove to be the case, in preventing, unofficially and by conversation, in the proper quarter, the acceptance by Great Britain of the proffered protectorate.<sup>1</sup>

2689

*John M. Clayton, Secretary of State of the United States, to George Bancroft, United States Minister to Great Britain*<sup>2</sup>

No. 54

WASHINGTON, April 30, 1849.

SIR: The President has read with great concern those parts of your despatches which speak of your intercourse with Mr. Castellon, the representative of Nicaragua at London.<sup>3</sup> The Department has taken into serious consideration the question respecting the Mosquito shore, and intends giving Mr. Squier, the newly appointed Chargé d'Affaires to Guatemala, full instructions upon the subject. Instructions in regard to it will likewise be sent to you, probably by the next steamer. Meanwhile, you are authorized to assure Mr. Castellon, that the President has determined to accede to the request of the Government of Nicaragua, by interposing his good offices for the purpose of endeavoring to induce the British Government to desist from its pretensions to that territory. You will also advise him to continue firm in asserting the rights of his Government, and not to do any act which might either weaken or alienate those rights.

I am [etc.].

2690

*John M. Clayton, Secretary of State of the United States, to George Bancroft, United States Minister to Great Britain*<sup>4</sup>

No. 55

WASHINGTON, May 2, 1849.

SIR: The President of the United States has for some time viewed with anxiety the apparent determination of the British Government to take advantage of the comparative inability of the authorities of Central America to repel aggression from abroad, for the purpose not only of extending, according to their own pleasure, the limits marked out by the treaties between Great Britain and Spain for the settlements of British subjects on the Atlantic coast of that country, but also for the conversion of those settlements into communities of a character by no means authorized by those treaties.

<sup>1</sup> The portion of the document omitted here does not pertain to inter-American affairs.

<sup>2</sup> Instructions, Great Britain, vol. 15.

<sup>3</sup> See below, this volume, pt. II, January 12, March 9, and March 31, 1849, docs. 2861, 2863, and 2864.

<sup>4</sup> Instructions, Great Britain, vol. 15.

Hitherto, however, he has abstained from asking of that Government an explanation in regard to its measures in that quarter, in the hope that they still might prove to be consistent with the obligations of Great Britain under the treaties adverted to, or, if otherwise, that the differences between the British Government and the Central American authorities respecting them, would be accommodated to the satisfaction of all parties. But he now apprehends that this was a delusive hope.

The President of the Republic of Nicaragua has addressed a communication to the late President,<sup>1</sup> and the Minister for Foreign Affairs of that Republic has addressed two letters to the late Secretary of State of the United States,<sup>2</sup> requesting the interposition of this Government with reference to the seizure and occupation of the port of San Juan by the British, on the alleged ground of its being within the dominions of His Majesty the King of the Mosquitos, of whom Her Britannic Majesty is declared to be the protector! This application has led to an inquiry by the Department into the claim set up by the British Government, nominally in behalf of His Mosquito Majesty, and the conclusion arrived at is, that it has no reasonable foundation. Under this conviction, the President can never allow such a pretension to stand in the way of any rights or interests which this Government or citizens of the United States now possess or may hereafter acquire, having relation to the Mosquito shore, and especially to the port and river of San Juan de Nicaragua. He is decided in the opinion that that part of the American continent having been discovered by Spain and occupied by her so far as she deemed compatible with her interests, of right belonged to her; that the alleged independence of the Mosquito Indians, though tolerated by Spain, did not extinguish her right of dominion over the region claimed in their behalf, any more than similar independence of other Indian tribes did or may now impair the sovereignty of other nations, including Great Britain herself, over many tracts of the same continent; that the rights of Spain to that region have been repeatedly acknowledged by Great Britain in solemn public treaties with that Power; that all those territorial rights in her former American possessions descended to the States which were formed out of those possessions, and must be regarded as still appertaining to them in every case where they may not have been voluntarily relinquished or cancelled by conquest followed by adverse possession.

Under these circumstances, therefore, after the most deliberate consideration of the subject, the President has decided to present the views of this Government in regard to it to the friendly consideration of the Government of Great Britain. In forming this determination, though influenced by a

<sup>1</sup> See note from President Guerrero to President Polk, dated December 15, 1847, above, vol. III, doc. 851.

<sup>2</sup> See above, vol. III, November 12, 1847 and March 17, 1848, docs. 850 and 864. These two notes were not written by the same Minister of Foreign Affairs. The first one was signed by Buitrago and the second one by Salinas.

just sympathy for the injuries which that Republic would sustain if Great Britain should persist in claiming, directly or indirectly, dominion over the Mosquito shore, he has not been unmindful of the past policy of this Government.

Viewing the importance to both countries of the commerce between the United States and Great Britain, the President ardently desires that the relations between the two Governments should continue to be of the most friendly and harmonious character, and should become strengthened with the advance of time. Consequently, he is reluctant to take any step which might lead to a misunderstanding with that Government. Believing, however, that if he were to disregard the appeal of the Government of Nicaragua, he would neglect a plain duty, he will not shrink from the responsibility which the discharge of that duty imposes.

The British Government can have no reason to be dissatisfied with our friendly interposition. We scrupulously abstain from intermeddling with the internal policy of foreign countries, and have never been officious in attempting to interfere with the affairs of other nations.

It is deemed advisable that, before entering into a written correspondence upon the subject with the British Minister for Foreign Affairs, you should sound him in conversation as to the views and intentions of the British Government in regard to the Mosquito coast—whether it is intended by that Government to set aside a portion of the territory for its own uses—for any and what reason, and on what principle—whether that Government claims a right, as ally or protector of the Mosquito King, to control or obstruct the commerce of the river San Juan de Nicaragua, or *to keep forts or establishments of any kind on its banks*—what are to be the boundaries of the territory—and by whose authority have they been established. All this should be communicated verbally in conferences, with intimations of the inexpediency of any great commercial Power claiming to hold the river in case it should become a highway for the nations of the earth. Say in the most friendly manner that, while we should look upon the exclusive possession or command of such a river by ourselves as a great evil to us which would draw upon us the jealousy and ultimately the hostility of the rest of the commercial world, we ought not to consent to its obstruction by any other Power; and if you find that he is still unwilling to abandon the British and Mosquito claim, or to retire from the river and the command of its harbor, then impart to him orally the views of the President as conveyed in this despatch. You will be careful to assure him that, in questioning the title of the Mosquito King to the territory claimed for him, this Government is not actuated by ambitious motives, or by any feeling in the least unfriendly towards Great Britain. We are impelled solely by a proper vigilance for the interests committed to our charge, and by a due sympathy for those whose rights we believe to have been invaded.

If the result of your interviews with that functionary should be an impression that his Government will not pause or recede in the steps which it seems to be taking in the quarter adverted to, you will then address to him, in the name of this Government, in firm yet respectful language, a formal written protest and remonstrance against them, and immediately communicate to this Department the result of all your official interposition and proceedings.

In order that you may possess full knowledge of the views of the President on this subject, you will herewith receive an extract of a copy of the secret instructions given, to E. George Squier, our present Chargé d'Affaires to Guatemala,<sup>1</sup> who, when you shall be in the receipt of this, will be on his way to Leon, to negotiate with the Government of Nicaragua.

It will be expedient to obtain an assurance from the Minister from Costa Rica, now in London, that he will not commit the rights of that State by any convention with Great Britain. A cession to Great Britain of any of her territory south of the river San Juan de Nicaragua might seriously embarrass us. No British forts or British possessions should exist on the right or left bank of the river. Warn the Minister of Costa Rica to make no common cause with Great Britain by the cession of any part of her territory or any rights over it. The safety of every American State, whether in North or South America will require of it to yield no further to foreign aggression.

I am [etc.].

2691

*John M. Clayton, Secretary of State of the United States, to George Bancroft, United States Minister to Great Britain*<sup>2</sup>

No. 57

WASHINGTON, May 14, 1849.

SIR: I have to request that you will, at your earliest convenience, cause three copies of the correspondence respecting the Mosquito Territory, which was presented to the British House of Commons July 3, 1848, in pursuance of its address of April 3, of that year, and three copies of Accounts and Papers (31) Commercial Tariffs. 1847. LXIV., to be procured and transmitted hither, for the use of this Department.

I am [etc.].

<sup>1</sup> Presumably instruction No. 1 to Squier, May 1, 1849, above, vol. III, doc. 747, was enclosed. The file copy of that instruction, however, bears no mark to indicate that it might have been secret or confidential.

<sup>2</sup> Instructions, Great Britain, vol. 15.

2692

*John M. Clayton, Secretary of State of the United States, to George Bancroft, United States Minister to Great Britain*<sup>1</sup>

Confidential.

WASHINGTON, June 4, 1849.

SIR: The Department has been informed, not officially, but from a reliable source, that the British Government has a Commissioner accredited to the Government of the Dominican Republic, who is charged to obtain by negotiation the cession to Great Britain of the Bay of Samana; that there is a draft of a treaty by which England pledges herself to recognise the independence of that Republic in consideration of the grant; and that the condition of the acknowledgment is to be embodied in a secret article of the treaty.

This intelligence relates to a subject obviously too important to admit of any delay in attempting to ascertain its authenticity. You will consequently endeavor to inform yourself in regard to it. The object might be attained with greater certainty and prudence if you were in the first instance to apply to any other persons than Lord Palmerston who may be in possession of the facts. And even if it should ultimately be necessary to apply to him, it would be advisable that your questions should, in the beginning, be indirect.

If the British Government should have obtained a cession of the Bay of Samana or any part of the Island of St Domingo, should have taken steps to that end, or should even have it in contemplation, you will then inquire of Lord Palmerston as to their intentions and purposes in making the acquisition.

I am [etc.].

2693

*John M. Clayton, Secretary of State of the United States, to John F. Crampton, British Chargé d'Affaires ad interim, at Washington*<sup>2</sup>

WASHINGTON, June 12, 1849.

MY DEAR SIR: I have received your note of the 8<sup>th</sup> instant, with the accompanying extract from a contract for a loan of money,<sup>3</sup> bearing date the 16<sup>th</sup> December, 1824, between the late Government of Central America and the house of Barclay, Herring & Co., of London. It appears that for the payment of the debt thus incurred, the customhouse revenues of that Republic were pledged, and that you have been informed by Mr. Chatfield, Her Majesty's Chargé d'Affaires at Guatemala, that a company of citizens of the United States has recently entered into a contract with the Govern-

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> Notes to Great Britain, vol. 7.

<sup>3</sup> Crampton's note is below, this volume, pt. II, doc. 2866. The accompanying extract is not included in this publication, but its purport is sufficiently indicated here.

ment of the State of Nicaragua for the navigation of the river San Juan, with the privilege of maintaining four customhouses.

The company adverted to is not only without any connexion with this Government, but, until the receipt of your note, the Department was not aware, except through rumors in the public prints, of the alleged contract with the Nicaraguan Government. It cannot of course be expected that such a contract would supersede or impair any vested rights of British subjects. The Department will express this opinion to Mr. Squier, the Chargé d'Affaires of the United States at Guatemala. It will also instruct him to recommend to any citizens of the United States who may, already have entered into, or may hereafter enter into, a contract with the Government of Nicaragua like that in question, to provide for the extinction of the claims of British subjects in the manner which Mr. Chatfield suggests. That arrangement seems to be reasonable, and would probably be satisfactory.

Mr. Bancroft has been fully instructed by the Department as to the views of this Government generally upon the subject of a connexion between the Atlantic and Pacific Oceans by the way of the river San Juan and lake Nicaragua.

I remain [etc.].

2694

*John M. Clayton, Secretary of State of the United States, to William C. Rives, United States Minister to France*<sup>1</sup>

No. 2—Confidential.

WASHINGTON, August 16, 1849.

SIR: Instructions were given to M<sup>r</sup> Bancroft by this Department on the second day of May last,<sup>2</sup> in reference to the British claim and the title of the Mosquito King to the Mosquito Territory in the State of Nicaragua. I have no knowledge that Mr. Bancroft has obeyed these instructions. Acquainted as you are with the whole subject, you will at once perceive how highly important it is that the views of this Government should be speedily communicated to the British Ministry. We are deeply anxious to avoid any collision with the British Government in relation to this matter; but that collision will become inevitable if great prudence be not exercised on both sides. American citizens have obtained a contract for a right of passage from the Atlantic to the Pacific Ocean, by the river San Juan. We view the title of the State of Nicaragua, which entered into this contract, as irrefragable, and are about to make a treaty with her on the subject. When Great Britain shall ascertain the real objects that we have in view, she cannot, I think, fail

<sup>1</sup> Instructions, France, vol. 15.

This instruction is included with communications to Great Britain because it pertains solely to British affairs.

<sup>2</sup> No. 55 to Bancroft, above, this part, doc. 2690.

to see the propriety of aiding, instead of obstructing, us in securing for all commercial nations, on the same terms, the right of passage by the Nicaragua route from ocean to ocean, if that route should prove to be practicable. As you pass through London on your way to Paris, it is desirable that you should call upon Lord Palmerston and perform the duty enjoined upon Mr. Bancroft, if that still remains unexecuted, by conversing freely with His Lordship on this subject. Should you find His Lordship resolved to maintain the Mosquito title, you need not present the protest or remonstrance directed in that event by the instructions to Mr. Bancroft, but may leave that duty to be discharged by Mr. Lawrence, who it is to be hoped will be in London early in October. The Secretary of Legation at London will, on your showing him this letter, give you free access to the archives of the mission whenever you desire it; and you are at liberty to peruse any papers contained in them in order to make yourself more fully acquainted with the objects which the President has in view.

I am [etc.].

2695

*John M. Clayton, Secretary of State of the United States, to Abbott Lawrence, United States Minister to Great Britain*<sup>1</sup>

No. 3

WASHINGTON, September 24, 1849.

SIR: I transmit to you, herewith, a copy of the English version of a Special Convention recently negotiated between the Government of the United States and the State of Nicaragua,<sup>2</sup> with the view of opening and establishing, through the territories of the latter, a passage and communication between the Caribbean Sea and the Pacific Ocean. This paper you will find to be one of great interest and importance. It was signed on the part of this Government by Mr. Elijah Hise, our late Chargé d'Affaires at Guatemala, although unprovided with a full power to effect this object. The President has not yet determined what course he will pursue in regard to this Convention: So soon as he has done so, I will again address you on the subject, and in the mean time you need not bring the matter to the attention of Her Majesty's Government.

I had hoped, as you are already aware from my private letters, to have seen you here, ere you proceeded on your mission, so that the merits of this instrument might have been examined and explained; and in a frank and free conversation on the general subject with which it is connected, you might have been more fully possessed of the President's views respecting it.

<sup>1</sup> Instructions, Great Britain, vol. 16.

Abbott Lawrence, of Massachusetts, to whom this instruction was addressed, was commissioned as envoy extraordinary and minister plenipotentiary to Great Britain on August 20, 1849. He resigned, and on September 30, 1852 delivered the archives to his successor.

<sup>2</sup> For this convention, see above, vol. III, p. 360, note 2.



As this hope has been defeated by the arrangements you have made for your immediate departure, I confine myself for the present to recommending it to your careful and attentive consideration.

I am [etc.].

2696

*John M. Clayton, Secretary of State of the United States, to John F. Crampton, British Chargé d'Affaires ad interim at Washington*<sup>1</sup>

WASHINGTON, September 27, 1849.

SIR: I have had the honor to receive your note of the 25<sup>th</sup> instant,<sup>2</sup> stating that you had been directed by your Government to draw my attention to the 24<sup>th</sup> article of an agreement which was entered into on the 24<sup>th</sup> of March last, between the government of Nicaragua and an American steamboat company, for the purpose of constructing a canal or railroad across the Isthmus by way of the river St Johns and Realejo.

A copy of the agreement referred to has been unofficially communicated to this Government by one of the individuals concerned in it; but from the same private source I learn that it has not been perfected by the ratification, within four months from its date, for which the 29<sup>th</sup> article provides.

I avail myself of this occasion [etc.].

2697

*John M. Clayton, Secretary of State of the United States, to Abbott Lawrence, United States Minister to Great Britain*<sup>3</sup>

No. 4

WASHINGTON, October 20, 1849.

SIR: With a despatch under date the 2<sup>d</sup> of May last, your predecessor<sup>4</sup> was furnished with an extract from that part of the instructions to Mr. Squier, Chargé d'Affaires of the United States to Guatemala,<sup>5</sup> which related to the Mosquito question, and was instructed to make known to the British Ministry the President's views in regard to it. It appears, however, that he had but little conference upon the subject with Lord Palmerston, of which we have any knowledge. An account of one interview with his Lordship is contained in his despatch N<sup>o</sup> 143, of the — of August last.<sup>6</sup> As the date of the conference is not mentioned, the Department has no means of determining whether or not it took place before or after the conclusion of the paper

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> Not included in this publication. The content is indicated in this acknowledgment.

<sup>3</sup> Instructions, Great Britain, vol. 16.

<sup>4</sup> No. 55 to Bancroft, above, this part, doc. 2690.

<sup>5</sup> See above, this part, p. 36, note 1.

<sup>6</sup> See below, this volume, pt. II, doc. 2868. The day of the month was not indicated on this despatch.

upon the subject which Mr. Bancroft says he had prepared for presentation to Lord Palmerston, but which he finally decided to withhold. The delay of Mr. Bancroft in complying with the instructions of the Department, or in communicating information relative to his proceedings, if any had taken place, rendered it imperative, in the judgment of the President, that Mr. Rives should be directed to proceed to his post by the way of London, for the purpose of ascertaining what Mr. Bancroft may have done or omitted, and of endeavoring to carry out the instructions to the latter, so far as he could, compatibly with his unaccredited character and as the state of the question might render necessary, prior to your arrival. The Department has received three letters from him, under date the 14<sup>th</sup>, the 24<sup>th</sup> and 25<sup>th</sup> ultimo,<sup>1</sup> the first referring to Mr. Bancroft's N<sup>o</sup> 143, and stating that he had sought an interview with Lord Palmerston, who was absent from London but was expected to return in about a week—the second stating that he expected an interview with Lord Palmerston on the 25<sup>th</sup> <sup>2</sup> ultimo—and the last stating the result of that interview on the 25<sup>th</sup>, which Mr. Rives considered highly favorable.

It being apparent, however, from the intimations of Lord Palmerston to Mr. Bancroft; from the papers accompanying the despatch of the latter already referred to,<sup>3</sup> and especially from the note to Mr. Castellon, of the 16<sup>th</sup> of July last,<sup>4</sup> that the views of the British Ministry conflicted with those of the President to such a degree as might, if persisted in, lead to a serious misunderstanding between the two Governments, this despatch is addressed to you that no time may be lost in endeavoring to avert so undesirable a result.

It is not conceived that the occasion calls for a formal or detailed reply to Lord Palmerston's note to Mr. Castellon in support of the British pretensions. Though confident in its tone, it is obviously fallacious in its conclusions, but seeks to make amends for this, by significant allusions to the Central American States, as delinquent debtors to British subjects. It will be proper, however, to notice some of its more prominent topics, with a view to assist you in meeting objections which may orally or in writing be addressed to yourself.

Lord Palmerston declares that Mosquito did not belong to Spain. This, certainly, is a bold declaration, but it is negatived by the whole history of that country. If Mosquito did not belong to Spain, why did Great Britain

<sup>1</sup> See Nos. 1, 2, and 3, below, this volume, pt. II, docs. 2870, 2871, and 2872. No. 2, however, is dated September 21 instead of September 24.

<sup>2</sup> Apparently this should have been the 24th instead of the 25th, as Rives states in his No. 2 of September 21, 1849, that Lord Palmerston had appointed the 24th for seeing him. Also Rives's No. 3 of September 25, 1849 mentions the interview as having been held the day before.

<sup>3</sup> See Bancroft's No. 143, August, 1849, below, this volume, pt. II, doc. 2868, and p. 303, note 2 thereto, concerning the enclosures that are included in this publication. The day of the month was not indicated on that despatch.

<sup>4</sup> For this note from Lord Palmerston to Castellón, see above, vol. III, p. 370, note.

so often, at the behest of the former, relinquish her attempts at colonization there? She has never been wont to submit to such requirements from nations having no right of property in the countries to which they related. It is impossible to believe that at the periods of her treaties with Spain, she doubted the territorial rights of the latter in the Mosquito shore.

By the treaty of 1763, Great Britain acquired Florida from Spain. Spain held it by the same title by which she held Central America. Did Great Britain suppose, at the period of this acquisition, that any part of Florida did not belong to Spain? Most of Florida was in the actual possession of the Indians, but Great Britain did not imagine that her proprietary rights were thereby impaired. She restored that country to Spain by the treaty of 1783, and it remained in the possession of the latter until it was ceded to the United States by the treaty of 1819. Is it to be for a moment supposed that we accepted those parts of Florida only which had been in the actual possession and occupation of the authorities or subjects of Great Britain and Spain? Could Great Britain have set up a title as the ally and protector of the Seminole Indians to that part of Florida in the actual occupation of that savage tribe?

The claim of Nicaragua to Mosquito is not impaired by the fact with which Lord Palmerston taunts her, that Spain has not conveyed it to her by treaty. He cannot suppose that Spain either desires or intends to recover her lost authority in Central America. But whatever may be his opinion, the British Government is precluded by its acknowledgment of the independence of that Republic from questioning the fact that it succeeded to all the territorial rights of Spain within its confines.

Lord Palmerston acknowledges that the successful revolt of the people of Nicaragua gave them the right of self government with reference to Spain. This right, however, was to be exercised within certain territorial limits which are to be ascertained by the inquiry whether or not Spain herself exercised sovereign authority within the same limits. Now, it is notorious that the Mosquitos were a tribe of savages dwelling on the verge of a country discovered by Spain, and claimed by her in virtue of the right thus acquired, which right has repeatedly been acknowledged by Great Britain in her treaties with that Power. Consequently, the right of Spain, or of her representative, Nicaragua, cannot be questioned on the ground that the latter conquered from Spain merely the right of self government, and is not weakened because neither may have chosen to subjugate those Indians, or to deprive them of their lands by occupation. Spain justly deemed herself entitled to consult her own views of policy in regard to them, as she did in regard to numerous other bands of savages within the bounds of her American possessions, a right which has always been, and still is, cherished by Great Britain herself with reference to the aborigines included within the limits of her own possessions in this hemisphere. No European nation which made

discoveries, or planted colonies, in America regarded the inhabitants whom they found there, even when collected into bodies politic, respectable in point of numbers, and for the progress which they had made in the arts, like those of Mexico and Peru, as possessing rights in the soil which were not liable to defeasance if deemed necessary to the objects for which discovery and colonization were undertaken. Still less, then, could they acknowledge such a right in wandering tribes, insignificant in point of numbers, and with no title to respect for any efforts, attempted or accomplished, to emerge from barbarism. The delay or the neglect to exercise rights of sovereignty over the most contemptible tribes, did not impair the right itself, much less serve to extinguish it in favor of the tribe, or to impart to the latter any just claim to be regarded as an independent community. The discoverer uniformly asserted and exercised the right of biding his own time to extinguish the Indian title, and never acquiesced in any interference in this right from abroad. The right of Spain to an actual occupation of the Mosquito territory was not weakened by her non user. That territory was embraced within the limits of the Kingdom of Guatemala, and when the provinces into which that Kingdom was divided shook off the yoke of the mother country, they acquired all the territorial rights which that country enjoyed or possessed, within their respective confines. The right to extinguish the Indian title was one of these, which the United States can no more allow to be called in question with reference to Nicaragua, than with reference to themselves.

The right of the provinces of Guatemala to sovereignty over the Mosquito territory has not been impaired by the policy of Great Britain with reference to that tribe of Indians. If, during peace, the object of that policy was to make those savages the instruments of an illicit traffic with the Spanish settlements, and, during war, to take advantage of their hostile disposition towards Spain, which was at all times sedulously cultivated, the sovereign rights of Spain were not disturbed. They remained entire for her to employ them whenever she might choose so to do. She herself invariably showed a consciousness of the objects and motives of British policy, and took care to preserve her rights from harm by them.

Lord Palmerston asserts that the treaty of 1783 was not intended to apply to the Mosquito territory. This assertion is based upon the pretext that that treaty mentioned only the Spanish *possessions* in America; and, as Spain was not the possessor of that territory, she did not acquire any right by the stipulation of Great Britain to withdraw her subjects from the Spanish possessions. Is it not, however, notorious that, during the war which was terminated by the peace of 1783, Great Britain made her principal effort to extinguish Spanish dominion in that quarter, and that that effort was fruitless? Is it credible, then, that the Spanish negotiators should have been unmindful of this event, and should not have intended that British

subjects should be prevented from forming plantations within any part of the territory which they claimed, and restricted to definite limits even for cutting woods? To seek such an advantage from the use of the word "possessions" is a distortion or arbitrary limitation of its obvious meaning, not warranted by either facts or probabilities. It is impossible that Spain could have doubted that her possession included the Mosquito country, or, that Great Britain could have otherwise believed. In point of fact, that territory was, and continued to be, as much a possession of Spain as the greater part of the northern region of this continent, (commonly described as the British North American Possessions,) is now a possession of Great Britain.

Admitting the truth of the historical facts which are mentioned to show the tampering of British subjects and British authorities with the Mosquitos, they by no means prove that such transactions tended in the slightest degree to render questionable the sovereign rights of Spain, or that in conniving at them, the British Government meant to recognise the Mosquitos as a nation independent of the Spanish Crown. The acts referred to must have taken place contrary to the known wishes of Spain, in violation of her laws, and even of the treaties of Great Britain herself with that Power.

Some of the facts mentioned, however, seem to be far from strengthening the argument in support of which they are adduced. If the King of the Mosquitos was the independent Sovereign contended for, why was the convention with him upon the subject of absconding slaves concluded with the Governor of Jamaica? Sovereign States are equal in the eye of public law, and no treaty with a Governor of a colony can be legal unless it be ratified by the Sovereign. It is at least doubtful whether the convention referred to ever received such a sanction on the part of the British Government. If it did not, the omission must have been occasioned by a conviction either that the pretensions of the Mosquito Monarch to equality and respect, or that good faith towards Spain, would not warrant the act.

The reservation by Great Britain, in her treaty of 1786, with Spain, is appealed to with an air of triumph, as if to show that she then regarded the Mosquitos as an independent nation, and interceded in their behalf pursuant to this view. The meaning of that article may best be understood by quoting it entire:

ARTICLE XIV. His Catholic Majesty, *prompted solely by motives of humanity*, promises to the King of England, that he will not exercise any act of severity against the Mosquitos, inhabiting in part the countries which are to be evacuated by virtue of the present convention, on account of the connexions which may have subsisted between the said Indians and the English; and His Britannic Majesty, on his part, will strictly prohibit all his subjects from furnishing arms, or war-like stores, to the Indians in general situated on the frontiers of the Spanish possessions.

Does this contain any assertion on the part of Great Britain that the Mosquitos were a nation independent of Spain, or any acknowledgment by Spain to that effect? On the contrary, the stipulation required in behalf of that tribe unequivocally implies a confession of a right of dominion in Spain over them, as well as a fear that this right might be exerted for their extermination or unconditional subjugation, for which it is quite probable Spain may have thought she had just and ample cause. Great Britain may have been actuated by motives of policy and gratitude in her intercession, but those motives were not allowed by Spain to derogate from her rights of sovereignty. British interference in this instance to screen the Mosquitos from that chastisement which Spain may have deemed they deserved for what she probably considered their treachery towards her, affords no argument to uphold the sovereignty of the Mosquitos or to weaken the title of Spain, or of her representative, to jurisdiction over their territory.

But it is said that if upon its emancipation from Spain, the Republic of Central America succeeded to all the territorial rights of Spain within the limits of that Republic, they received them coupled with the obligations with which they were encumbered, and that in acknowledging the independence of Central America, other nations did not intend to forfeit any rights which those obligations may have given them. The truth of this abstract proposition may be acknowledged without impairing the claim of that Republic to dominion throughout the ancient Vice Royalty of Guatemala. This claim was asserted in the Constitution of the Confederacy of Central America, and if any nation which acknowledged that confederacy possessed any right, or had any interest as a principal or as an ally in questioning the extent of territorial jurisdiction which it claimed, a reservation in its favor should have been made at the time of that acknowledgment. We are not aware that Great Britain made any other reservation or clogged with any other condition her acknowledgment, than that the privileges stipulated in favor of her subjects by her treaties with Spain should be continued. The lines within which these privileges were to be enjoyed do not embrace the port and river of San Juan, or impinge upon any part of the territory of Nicaragua. It is believed that nothing has ever been done or attempted by the Central American States in violation of this pledge. An effort, however, is made to silence the complaints of Nicaragua by alleging that even if Spain or the Central American Confederacy had rights in the Mosquito territory, those rights have not devolved upon Nicaragua, any more than upon Costa Rica or Honduras. It is to be deplored that the dismemberment of that Confederacy, by giving rise to disputes about limits among the States of which it was composed, affords some plausibility to this allegation. It is not, however, essential for the purposes of this inquiry, that the respective territorial limits of those States should be ascertained. Whatever they may have been whilst they were provinces of Spain, or as States under the

Confederation, or whatever they may ultimately become by arrangements among themselves, the rights of the Mosquitos cannot be affected or augmented by their indeterminate condition. Those rights are the same as they were under Spain and the Confederacy, and will so remain until they shall receive the increment claimed for them, by the voluntary surrender, jointly or severally, of the States by which it is now lawfully held.

Is Great Britain, however, eager or willing that the question of her alleged protectorship should be tried at the bar of public opinion? Does she believe that she can obtain credit for having undertaken it from a conviction that the Mosquitos were competent to discharge the duties of sovereignty, or is she disposed to hazard the notoriety of the fact, that the visor of royalty which she would fain place upon the pseudo-monarch of that region is too transparent to conceal the features of the real sovereign? Is she free from apprehension that, by persevering in her course, she will make monarchy, as a form of government, ridiculous, and, indeed, cast reproach upon the very name of independent government, which certainly implies that its agents are adequate to the purposes for which such governments are instituted, unaided by the counsels or the power of a third party?

Can Great Britain imagine that the commercial nations of the world will tacitly allow her by means so insidious to obtain substantial and exclusive control over the right of way to the Pacific by the port of San Juan and the river of that name, or to wrest the sovereignty over that region from the rightful proprietor? In such pretensions we trust that the United States at least will never acquiesce. Their objections, however, will not spring from any claims of sovereignty or desire of exclusiveness on their part, though they have paramount interests, present and prospective, in that channel of intercourse between the two oceans. They desire that it should be perfectly untrameled, or subject to such limitations only as the rightful owners of the land may impose for the completion and security of the enterprize. We ardently hope that Great Britain will take no step which will render it difficult for her to concur with us in the justice and expediency of this policy, and that she will recede from so much of her past course as may conflict with it. The President believes that she may do this without the slightest sacrifice of dignity or honor, and even without the least infringement of any obligations which she may conceive herself to have incurred towards the Mosquito Indians. The United States would view with no less concern than herself the practice of any harness or inhumanity towards that people. They believe, however, that the great highway for the commerce of the maritime States of the world, if destined to pass through the region claimed for the Mosquitos, may, with the strictest regard to the dictates of philanthropy towards them, be kept free from obstruction by their pretensions, direct or indirect. If the British Ministry shall concur in these opinions, they may expect from us some pledge that we will act up to them. The President is

willing that this should be given in any form which the Constitution of this Government will sanction. You may suggest, for instance, that the United States and Great Britain should enter into a treaty guarantying the independence of Nicaragua, Honduras, and Costa Rica, which treaty may also guaranty to British subjects the privileges acquired in those States by the treaties between Great Britain and Spain: provided that the limit of those States, on the east, be acknowledged to be the Carribean sea. The treaty might also guaranty to the Mosquito Indians the right to pursue their usual occupations within definite limits, ample for such a purpose, with a condition that if any nation, corporation, or company shall have acquired, or shall acquire, the privilege of constructing a communication between the Atlantic and Pacific oceans by means of a canal, and if such communication shall necessarily pass through the lands assigned to the Mosquitos, a reasonable compensation shall be secured to them, which should be paid by Nicaragua, for the extinction of their title to as much of that territory as may be necessary for the object in view. We have within a few days past received from Nicaragua a treaty negotiated by Mr. Squier with the Nicaraguan Government. A copy of so much of this treaty as relates to the proposed canal accompanies this despatch. Herewith you will also receive a copy of the canal contract or charter referred to in that treaty.<sup>1</sup> You will perceive that the right to make the canal is conferred upon American citizens. We invite Great Britain to all the benefits of the canal they are to construct, and to join us in protecting them. We invoke this protection for the interests of humanity, as well as for the interests of Great Britain herself, no less deeply concerned in procuring the benefits of the proposed canal than ourselves. For this purpose, in conversation, exhibit to Lord Palmerston a copy of the paper marked A.,<sup>2</sup> which you will see is a projet of a treaty similar to ours with Nicaragua, on the subject of the canal. It would secure to Great Britain every benefit derivable from the canal and from Nicaragua which we have attempted to secure by our treaty with her. Say to him that we are willing and anxious that Great Britain should enter into such a treaty with Nicaragua; that we have no doubt Nicaragua will gladly avail herself of the offer of Great Britain to make such a treaty with her; and that our good offices, if desired, will not be wanting to induce Nicaragua to adopt it. Place the whole negotiation on the broad basis of a great highway for the benefit of mankind, to be dedicated, especially by Great Britain and the United States, to the equal benefit and advantage of all the nations of the world that will join us in entering into these proposed treaty stipulations with the State of Nicaragua. From the accompanying copy of a despatch from Mr. Rives, of the 25<sup>th</sup> ultimo,<sup>3</sup> you will see that Lord Palmerston is inclined

<sup>1</sup> For the text of Article 35 of that treaty and the contract referred to here, see above, vol. III, p. 360, note 2. Article 35 is presumably that part of the treaty which accompanied this instruction.

<sup>2</sup> Not found.

<sup>3</sup> No. 3 from Rives, below, this volume, pt. II, doc. 2872.



to favor some such proposition. Tell him that since Mr. Rives conversed with him, we have received from E. George Squier, our Chargé d'affaires at Guatemala,<sup>1</sup> a treaty negotiated by him in pursuance of instructions from this Government, of the same import which we now desire Great Britain to form with that State. We understand from the conversation of Lord Palmerston with Mr. Rives that Great Britain disavows any intention to colonize any part of Nicaragua or Costa Rica, and that a written assurance to that effect from Lord Palmerston to you would be highly gratifying to the Government and people of this country, and eminently tend to strengthen and perpetuate the bonds of friendship now so happily subsisting between the two greatest commercial nations of the world. Say to him that our view of the chief mission of these two great nations, is to cultivate the arts and peaceful pursuits of commerce, and to increase the happiness of each other and of all mankind. Should he object that American citizens are to construct the canal, then represent to him this was a circumstance beyond the control of either his or our Government, as Nicaragua had the unquestionable right to contract with whom she pleased; that our desire to protect these citizens does not spring from any petty jealousy of other nations, though we are free to confess that if the work should be constructed by American enterprise, under the protection of all nations, we shall be proud of the achievement. The ready reflection will occur to your own mind that if any nation should keep the key of this communication for the benefit of all ours, as being most deeply interested in it, is entitled to that custody. But we freely abandon, by inviting them to make the same treaty, all desire to obtain advantage over others who may be interested in that passage. If Great Britain desires any further guarantees of our good faith than these assurances, say to his Lordship that we will gladly enter into a treaty stipulation with Her Majesty's Government, binding both nations never to colonize, annex, settle, or fortify any part of the ancient territory of Guatemala, embracing Nicaragua, Costa Rica, Honduras, and indeed the whole Mosquito coast. That such a treaty would be highly gratifying to other nations of the world, inclined to look with jealousy upon any thing however slight which may indicate an intention on the part of either of us to maintain an exclusive position at any point on the isthmus, and especially any one within striking distance of the proposed canal.

If, however, the British Government shall reject these overtures on our part, and shall refuse to coöperate with us in the generous and philanthropic scheme of rendering the interoceanic communication by the way of the port and river San Juan free to all nations upon the same terms, we shall deem ourselves justified in protecting our interests independently of her aid and despite her opposition or hostility. With a view to this alternative, we have a

<sup>1</sup> Squier was authorized to conclude treaties of commerce with Costa Rica, Honduras, Nicaragua, and Salvador.

treaty with the State of Nicaragua, a copy of which has been sent to you,<sup>1</sup> and the stipulations of which you should unreservedly impart to Lord Palmerston. You will inform him, however, that this treaty was concluded without a power or instructions from this Government; that the President had no knowledge of its existence, or of the intention to form it, until it was presented to him by Mr. Hise, our late Chargé d'Affaires to Guatemala about the first of September last;<sup>2</sup> and that consequently we are not bound to ratify it, and will take no step for that purpose if we can, by arrangements with the British Government, place our interests upon a just and satisfactory foundation. But if our efforts for this end should be abortive, the President will not hesitate to submit this or some other treaty which may be concluded by the present Chargé d'Affaires to Guatemala to the Senate of the United States for their advice and consent with a view to its ratification; and if that enlightened body should approve it, he also will give it his hearty sanction, and will exert all his constitutional power to execute its provisions in good faith, a determination in which he may confidently count upon the good will of the people of the United States.

Should Lord Palmerston accept our proposition, the canal opening the communication between the Pacific and the Caribbean sea will be accomplished if it be practicable. Of its practicability he can doubtless give you much information; and you will endeavor to procure and transmit to this Department all the intelligence connected with that subject which you can obtain in England. No scientific exploration of the route has yet been made under the direction of this Government; but all the information which we possess leads us to believe that by the aid of the San Juan river and the lakes Nicaragua and Managua (or Leon), an inter-oceanic ship communication may be obtained, which will admit us to our possessions on the Pacific, with the trade and the treasures of that mighty ocean saving a dangerous navigation around the Cape of more than twelve thousand miles. Without some such ship navigation, it may be difficult, at some future period, to maintain our government over California and Oregon.

If there be any other practicable ship canal route across the isthmus which connects North and South America, we are not aware of it. The British Government seems for a long time to have entertained the opinion that this will furnish the most eligible, if not the only practicable canal route between the two oceans. It would be difficult, on any other supposition, to account for the pertinacity with which Great Britain has again and again renewed her pretensions to this territory, as the ally and protector of the Mosquito King. Early in the year 1848, and about the time we acquired the title to California by the treaty of Guadeloupe Hidalgo, she renewed her ancient pretensions to the San Juan river, fitted out a military expedition against

<sup>1</sup> For the text of this treaty, dated June 21, 1849, which never became effective, see above, vol. III, p. 376, note.

<sup>2</sup> See Hise's despatch, September 15, 1849, above, vol. III, doc. 923.

the Nicaraguans, drove them from the town of San Juan de Nicaragua, at the mouth of the river, and concluded an agreement with them, in the Island of Cuba, in the Lake of Nicaragua, by which she compelled them to abandon the ancient town of San Juan, the name of which was Anglicized to Greytown. It is to be observed, however, that by those articles of agreement the Nicaraguans did not cede to her any portion of their territory, or acknowledge her title or that of the Mosquito King to any part of it. A copy of those articles of agreement accompanies this despatch.<sup>1</sup> You will find it in a document published by the British Parliament which I exhibited to you at our last interview before you departed for England. You will observe that while the third article of this agreement declares that if Nicaragua shall interrupt or disturb the British possession as the ally of Mosquito, at the mouth of the river San Juan, it shall be a declaration of hostilities against Great Britain, the last article expressly reserves to Nicaragua the right of remonstrance against this usurpation and of negotiation to defeat it. We consider Nicaragua at perfect liberty to enter into a treaty with us for her protection, and that while England shall continue to represent herself as the ally and protector of the Mosquito King, a savage who had never any shadow of title against Spain, Central America, or Nicaragua, except that which every Indian tribe possesses in the country of a discoverer, liable to extinguishment or preëmption by the discoverer, we are at liberty to counter-vail this attempt on the part of Great Britain to gain an exclusive right or monopoly of the navigation of the San Juan river, by accepting the Nicaraguan title. But we do not desire to be driven to this extremity. We do not court a collision with Great Britain. We are sensible that the canal ought to be open to the navigation of the world, or at least to that of all nations who will enter into treaty stipulations to guarantee the neutrality of this part of Nicaragua and protection to the capitalists who engaged in and perfect the canal. Say therefore with perfect frankness to Lord Palmerston, that while we are willing and anxious that the canal communication should be open between the two oceans, we desire no exclusive right to that navigation, and will not seek to obtain it, unless we are driven to do so in self-defence; that while we invite Great Britain to join with us in these guarantees, we hold the neutrality of Costa Rica and the whole country on both sides of the projected canal to be highly important; that while we are willing to forbear the exclusive occupation of the canal, and invite all other nations to participate with us on equal terms in the enjoyment of it, no other great maritime power should occupy the territory on either side of the canal. If we were to occupy it, Great Britain would complain that, in the event of a war, we, by virtue of our exclusive possession, might overawe or obstruct the commerce of a hostile power. For the same reason, no other authority except

<sup>1</sup> For the text of this agreement or treaty, signed on March 7, 1848, see above, vol. III, p. 280, note.

that of the small States bordering on the canal should be permitted to be exercised over the adjoining territory. It is said that Costa Rica has lately set up a claim to the south bank of the San Juan river, if not to a part of the river itself, and that Great Britain may abet her pretensions if she has not already engaged to protect them, or obtained a cession of part of the Costa Rica territory, or of some exclusive privileges in a projected communication between the two oceans by the way of the San Juan and Sarapiquí rivers, the latter being a tributary of the San Juan. On this subject you will interrogate Lord Palmerston, and ascertain the purposes of the British Government in regard to Costa Rica as well as Nicaragua. Say to Lord Palmerston that the President considers that the interests of England ought to be identical with ours.

In the instructions to our present Chargé d'Affaires to Guatemala and to your predecessor on this subject,<sup>1</sup> copies of which will be found in the archives of the Legation, the views of the President are so fully set forth that I forbear to dwell longer upon them at this time. The President still entertains the same views, and, should England oppose them, he will learn with deep regret of her refusal to coöperate with us for the protection of an enterprize which we think would be equally honorable and productive of incalculable benefits to both nations.

The delay of your predecessor has made it absolutely necessary that you should speedily bring this negotiation to a close. Lose no time therefore in ascertaining the views of the British Ministry. It is most desirable that the two Governments should understand each other before the approaching session of Congress, and that the President should be able to state the views of Great Britain on the whole subject to Congress, at an early period of the next session. Should Lord Palmerston refuse all our propositions, enter the protest which Mr. Bancroft was instructed to present,<sup>2</sup> and immediately advise me of the fact. But should the British Government agree with us, as judging from the interview of Mr. Rives with Lord Palmerston I hope it will, then invite the advice and concurrence of that Government in such a plan as may seem best adapted to attain the ends we have in view. If you find his Lordship willing to coöperate with us, but still tenacious about the protection of the Mosquito Indians, say to him that we cannot doubt that Nicaragua could, in perfect accordance with her claim under the Spanish title, and would willingly secure to those Indians a proper annuity, for the purpose of extinguishing their title, that, according to our information in regard to the number of those Indians in Nicaragua, it does not exceed one thousand; and we learn that they are annually decreasing. If this information be correct, we cannot suppose there will be much difficulty in making an arrangement

<sup>1</sup> See instructions Nos. 41 and 55 to Bancroft, dated respectively, October 23, 1848 and May 2, 1849, above, this part, docs. 2688 and 2690; and see No. 1 to Squier, May 1, 1849, above, vol. III, doc 747.

<sup>2</sup> See No. 55 to Bancroft, May 2, 1849, above, this part, doc. 2690.

with Nicaragua which will be perfectly satisfactory, not only to Great Britain, but to her ally. Converse with Lord Palmerston on the subject of the boundaries of Nicaragua and Costa Rica. General Herran could not give me the information which I expected on this subject, but I have not been able to find any authentic map of Guatemala, or Central America, or Nicaragua, which does not extend the Nicaraguan territory at least as far north as Bluefields river. It is highly important that we should understand Lord Palmerston on this subject of boundaries. Also endeavor to induce him to withdraw all pretensions to the whole Mosquito coast. The British should occupy no position within striking distance of the canal in time of war; and you will see by the map that they should not retain any settlement on the Isthmus, though we may not object to their right to cut woods in that part of the coast (north of Nicaragua) to which the Spanish treaties have given them this privilege.

I shall await the result of your negotiation with no little anxiety. Bring it to a speedy close, one way or the other. We are ready for either alternative. If we must have a collision with Great Britain about this matter, the sooner we understand it the better for us. The President is firm in his purpose, and will never consent that Great Britain shall under any pretext enjoy any exclusive possession within the territory of Nicaragua. If we adopt the treaty negotiated by Mr. Hise, and Great Britain should persevere in her assertion of the Mosquito title, I know not how we can avoid a collision consistently with our national honor. If, on the other hand, Great Britain should, as the President sincerely hopes she will, meet our proposition in the spirit in which it is made, the two greatest commercial nations of the world, instead of contending in hostility with each other, will engage in the accomplishment of an object which may redound more to the true glory of each of them than the most successful war in which either could engage.

I am [etc.].

2698

*John M. Clayton, Secretary of State of the United States, to Abbott Lawrence, United States Minister to Great Britain*<sup>1</sup>

WASHINGTON, October 31, 1849.

DEAR SIR: I have but a moment of leisure to drop you an informal line to say, in the way of instructions, that the policy of the United States in regard to Tehuantepec is precisely the same as that which is to be pursued in regard to Nicaragua. You may say to Lord Palmerston that we encourage, and will certainly protect, all routes, whether by canal or railroad, across the American Isthmus; and that we invite Great Britain to occupy the same ground, she

<sup>1</sup> Instructions, Great Britain, vol. 16.

to enjoy equal benefits with us, and *we* all the benefits of the most favored nation.

By the next mail I hope to be able to address you more at large.

Very respectfully yours.

## 2699

*John M. Clayton, Secretary of State of the United States, to Abbott Lawrence  
United States Minister to Great Britain*<sup>1</sup>

No. 8

WASHINGTON, December 10, 1849.

SIR: Your despatch N<sup>o</sup>. 11<sup>2</sup> has been received. The note of Lord Palmerston to yourself, of the 13<sup>th</sup> ultimo, <sup>3</sup> upon the subject of the Mosquito question, is in many respects satisfactory. The President has been gratified that the British Ministry should so readily appreciate his views, and express a disposition to coöperate with us in such measures as may be necessary to secure the completion of a communication, by the way of Nicaragua, between the Atlantic and Pacific oceans. Lord Palmerston's offer, however, to obtain the consent of Mosquito to such arrangements as would render the port of Greytown applicable to the purposes of such a communication, is pregnant with a meaning which materially qualifies the other parts of his note. This offer implies that the British Ministry persist in regarding the Mosquitos as a sovereign State, and that their consent alone is necessary for any arrangements involving the use of the port of Greytown. This Government, however, can never acknowledge the independence of the Mosquitos, or admit that they have any rights of sovereignty over the port of Greytown or the country adjacent thereto. The events which led to the existing suspension of the claims of Nicaragua to Greytown, may render it difficult for Great Britain to withdraw her protection from the pretensions of the Mosquitos to that port. If, however, she is sincere in her professions of friendship for the United States, and in her wish to coöperate with us in measures for the completion and security of the proposed interoceanic communication, it may be expected that she will use her influence towards the withdrawal of the Mosquito pretensions, at least to such an extent as would be satisfactory to the capitalists who would undertake the work, and upon terms which would be substantially just towards the Mosquitos themselves. They are not, nor can they ever be, a maritime people. Consequently they can have no more use for the shores of the harbor of Greytown than for any other parts of the Mosquito coast. If, in persisting in the policy of claiming Greytown for them, the British Government should in any degree be actuated by an

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> Below, this volume, pt. II, November 14, 1849, doc. 2880.

<sup>3</sup> There are two notes of this date from Lord Palmerston to Lawrence, below, this volume, pt. II, docs. 2878 and 2879. He presumably refers to the first of these.

apprehension that, in the absence of Mosquito jurisdiction there, discriminating duties would be levied on British merchandise destined to pass up the St John's river for consumption in Costa Rica, you may assure Lord Palmerston that this Government would exert any influence which it might possess with the Government of Nicaragua to prevent such a result.

It is to be hoped, therefore, that, in view of the advantages which it is acknowledged commercial nations must derive from the proposed work, of the importance that it should be soon commenced and be completed with all practicable expedition, and that it should be free from molestation from any quarter during its progress and after it shall have gone into operation, the British Government will relinquish any control, direct or indirect, which it may have over the port of Greytown. We believe that this may be done without derogating from the dignity, or conflicting with the true interests of Great Britain. We are certain that it is essential to the success of the enterprise. In your conversations with Lord Palmerston, you will accordingly press this matter in a way which will leave no doubt on his mind as to our convictions, and which in your judgment may best be calculated to bring about a satisfactory result.

I am [etc.].

2700

*John M. Clayton, Secretary of State of the United States, to Abbott Lawrence, United States Minister to Great Britain*<sup>1</sup>

No. 10

WASHINGTON, December 13, 1849.

SIR: I transmit copies of the treaty of the 12<sup>th</sup> December, 1846, between the United States and New Granada,<sup>2</sup> and invite your attention to its 35<sup>th</sup> article. An extract from that part of the instructions to Mr. Foote, the United States Chargé d'Affaires to Bogotá, which relates to that article, and a copy of a communication to the President, under date the 2<sup>d</sup> ultimo, from Mr. Alexander Hamilton, of New York, are also transmitted.<sup>3</sup> Although Mr. Hamilton could have had no knowledge of the instructions to Mr. Foote, you will notice that his views in regard to the engagements assumed by this Government in its treaty with New Granada, agree with those contained in those instructions. It is obviously of the utmost importance, especially in consideration of the opinions expressed by Lord Palmerston with reference to the Spanish American States who are dilinquent debtors of British subjects, that the British Government should guaranty the neutrality of the Isthmus

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> It is not included in this publication. See Malloy, *Treaties, Conventions, etc., between the United States and Other Powers*, vol. 1, pp. 302-14.

<sup>3</sup> In Miscellaneous Letters, November-December, 1849, there is a letter of this date from James A. Hamilton to the President, enclosing a document entitled, "Isthmus of Panama." The latter is apparently the document to which he refers, but neither one of these is included in this publication.

For the instructions to Foote, see No. 1, July 19, 1849, above, vol. v, doc. 1822.

of Panama as amply as this has been done by the United States. For this purpose, it would be preferable that Great Britain and New Granada should themselves enter into treaty stipulations. It is scarcely probable, however, in the existing state of the relations between those two countries, that this could be accomplished. You will, nevertheless, avail yourself of a suitable opportunity to suggest it to Lord Palmerston in such a way as you may deem most likely to render it acceptable. You may assure him that the President has the object much at heart, and that a treaty of the character referred to would be regarded with great satisfaction by the people of this country. If, however, you shall ascertain that the British Government would not enter into such a treaty with New Granada, you may then sound Lord Palmerston as to the disposition of his Government to conclude one with the United States for the same purpose. If the treaty were to embrace a stipulation shielding the trading vessels of either party bound to or from the termini of the passage across the Isthmus from capture in time of war, pursuant to Mr. Hamilton's suggestion, it would unquestionable redound to the honor, without conflicting with the interests, of either nation. If your overtures upon these points shall be favorably received, a power, with instructions relative to the details of the negotiation, will be transmitted to you.

I am [etc.]

2701

*John M. Clayton, Secretary of State of the United States, to Abbott Lawrence, United States Minister to Great Britain*<sup>1</sup>

No. 11

WASHINGTON, December 14, 1849.

SIR: Your despatches to N<sup>o</sup> 13,<sup>2</sup> inclusive, have been received. The reply which you made to the proposition of Lord Palmerston contained in his note to you of the 19<sup>th</sup> ultimo,<sup>3</sup> for a joint examination and survey of the routes across the Isthmus, on the part of the two Governments, was judicious, and is entirely approved. Neither the aid nor the interference of either Government is conceived to be necessary or desirable for those purposes. They can best be attained by means of the sagacity and enterprize of the individuals or companies who have embarked, or may be disposed to engage, in the construction of the works. All that they will need and probably desire is, that the persons in their employment, and the property in which they may invest their funds, should be protected from the violence or the caprices of the authorities of any Government. An arrangement for this purpose might easily be effected, and would certainly secure a speedy completion of the works.

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> No. 13, November 23, 1849, is below, this volume, pt. II, doc. 2884.

<sup>3</sup> The note of the British Secretary of State for Foreign Affairs to Lawrence, of November 19, 1849, and the latter's reply of the 22nd of that month, are below, this volume, pt. II, docs. 2881 and 2882.



I transmit a copy of a letter addressed to this Department, under date the 1<sup>st</sup> ultimo, by Thomas W. Ludlow, President of the Panamá Rail Road Company,<sup>1</sup> requesting that you might be instructed to coöperate with the Minister of New Granada at London, in obtaining from the British Government a guaranty of the neutrality of the Isthmus of Panamá similar to that contained in the treaty between the United States and that Republic, of the 12<sup>th</sup> December, 1846. This was the subject of the despatch addressed to you on the 13<sup>th</sup> instant.<sup>2</sup> The Department is not aware whether or not the Minister of New Granada at London has any powers or instructions from his Government in regard to the matter. We will, however, at once direct Mr. Foote to make enquiry upon this point; and if he should find that the New Granadian Government has not adopted the necessary measures, he will be further instructed to urge prompt and adequate proceedings on their part.<sup>3</sup>

I am [etc.].

2702

*John M. Clayton, Secretary of State of the United States, to Abbott Lawrence, United States Minister to Great Britain*<sup>4</sup>

No. 13

WASHINGTON, December 29, 1849.

SIR: Your despatches to N<sup>o</sup> 14,<sup>5</sup> inclusive, have been received. Despatches have also recently reached the Department from E. George Squier, Chargé d'Affaires of the United States at Guatemala, giving information of the military occupation of the Island of Tigre, in the Gulf of Fonseca, on the 16<sup>th</sup> of October last, by the naval forces of Her Britannic Majesty, under the order of her Consul General and Chargé d'Affaires near the Government of Guatemala, M<sup>r</sup> Chatfield. It is now evident that the British flag has been hoisted in Honduras, by order of Mr. Chatfield, and it is believed that other aggressions upon the territories of the Central American States have been made by the same authority. I transmit, herewith, a copy of M<sup>r</sup> Squier's despatches N<sup>os</sup> 7 and 8, dated October 25<sup>th</sup> and November 2<sup>d</sup>,<sup>6</sup> from which you will see the extent of M<sup>r</sup> Chatfield's operations. Lord Palmerston's declaration in his note to you of the 13<sup>th</sup> ultimo,<sup>7</sup> disavowing any intention to colonize, settle, or fortify any portion of Central America, is utterly inconsistent with M<sup>r</sup> Chatfield's official acts and declarations, and I assume it, until otherwise informed, that M<sup>r</sup> Chatfield has acted without instructions

<sup>1</sup> Not included in this publication. Its content is indicated within this instruction.

<sup>2</sup> No. 10 to Lawrence, above, this part, doc. 2700.

<sup>3</sup> See instruction No. 10 to Foote, December 15, 1849, above, vol. v, doc. 1824.

<sup>4</sup> Instructions, Great Britain, vol. 16.

<sup>5</sup> No. 14, November 29, 1849, is below, this volume, pt. II, doc. 2885.

<sup>6</sup> For these despatches, see above, vol. III, docs. 936 and 940.

<sup>7</sup> See first document of that date from the British Minister of Foreign Affairs, below, this volume, pt. II, doc. 2878.

from his own Government, and that his proceedings will be promptly disavowed. I shall not distrust the honor of the British Government on account of the conduct of an inferior functionary, which merits and ought to receive the condemnation of his own Government. But I must say, that it is now due, not only to the cause of justice, but to the honor of the American Government, that immediate explanations should be required by you of the British Government in regard to the late proceedings of Mr. Chatfield. It appears that the pretext he has employed for extending the British jurisdiction over a part of Honduras, is the indebtedness of that State to British subjects. We are very much surprized at this, especially as the claims referred to are based not upon torts, but upon contracts between British subjects and the late Government of Central America.

Under date the 8<sup>th</sup> of June last, M<sup>r</sup> Crampton, Her Britannic Majesty's Chargé d'Affaires residing here, addressed a note to the Department,<sup>1</sup> stating that he had been informed by Mr. Chatfield, Her Majesty's Chargé d'Affaires at Guatemala, that the revenues of Nicaragua, especially that arising from custom-house duties, had been mortgaged for the payment of the foreign debt of that State; that a company of citizens of the United States had entered into a contract with the Government of Nicaragua for the navigation of the river San Juan, and for making a road across the Isthmus from lake Nicaragua to Realejo, with the privilege of maintaining four custom-houses; and suggesting that the company should pay off the bond holders' claims, the principal of which was £27, 216—13<sup>s</sup>—4<sup>d</sup>, with arrears of interest thereon at six per cent., from the 1<sup>st</sup> of February, 1828, and a sum amounting to about £5,000 due to the house of Reid, Irving, & C<sup>o</sup>, of London, for the payment of dividends upon the debt in 1826 and 1827.

In a note to Mr. Crampton, under date the 12<sup>th</sup> of June,<sup>2</sup> the Department stated that it was not aware of the existence of the contract between citizens of the United States and the Nicaraguan Government referred to by him; that it could not be expected that such a contract would supersede or impair any vested rights of British subjects; and that Mr. Squier would be instructed to recommend to any of our citizens who might be a party to it the extinction of the claims of those subjects, in the manner suggested. In a despatch to Mr. Squier, under date the 19<sup>th</sup> June,<sup>3</sup> he was instructed accordingly.

Mr. Squier acknowledged the receipt of this instruction, in a despatch under date the 8<sup>th</sup> of November last,<sup>4</sup> and stated that as the contract referred to in M<sup>r</sup> Crampton's note was never perfected, Mr. Chatfield's complaints fall to the ground. The ratified contract with the "American Atlantic and Pacific Canal Company" is free from all objections of this kind.

The share of Nicaragua or Honduras of any debt due from the late Government of Central America to the subjects of Great Britain was, at the period

<sup>1</sup> Below, this volume, pt. II, doc. 2866.

<sup>2</sup> Above, this part, doc. 2693.

<sup>3</sup> No. 4 to Squier, above, vol. III, doc. 751.

<sup>4</sup> No. 9 from Squier, above, vol. III, doc. 944.

*of the correspondence adverted to between the Department and Mr. Crampton, evidently considered to be a small matter, and other circumstances lead us to believe that the seizure of the territory of Honduras, on that ground, is a pretext for aggression on the part of Mr. Chatfield. If Mr. Chatfield be indeed a proper exponent of the views of the British Cabinet, which we will not believe until so informed from an authentic source, the sooner we are apprized of their intentions the better. You will therefore, on the receipt of this, forthwith address a note to Lord Palmerston, setting forth the proceedings of the British naval and military expeditions, and the conduct of Mr. Chatfield mentioned by our Chargé d'Affaires; and you will ask him in firm but respectful language for a disavowal of all acts of interference by Mr. Chatfield or others, which have for their object to extend the British jurisdiction to any part of the Central American States. Should Lord Palmerston avow the seizure or intention to occupy any portion of Central America, under any pretext, or for any purpose, you will immediately enter the protest of this Government against it.*

That part of the treaty with Honduras relating to the canal negotiated by Mr. Squier, of which I herewith send you a copy,<sup>1</sup> was made by him without instructions from this Department; but if the British aggression upon Honduras be not promptly disavowed, that treaty will be speedily submitted to the Senate for ratification, without awaiting further negotiation.

It is now palpable that our Chargé d'Affaires at Guatemala was right in his conjectures as to the intention of the British authorities in Guatemala to seize upon and assert British jurisdiction over other parts of Central America. We have not desired to annex or colonize any part of that country, but we shall not be restrained by any act of the British Government from treating with Honduras or Nicaragua, and from the assertion and maintenance of any rights we may lawfully acquire by such treaties. We have frankly avowed to Great Britain, and she must have fully understood it, that our object is to protect a canal across the isthmus. She is fully aware that the lakes of Nicaragua and Leon furnish the most eligible route and means for feeding such a canal; and whether that canal should terminate in the Pacific, at Realejo, within the confines of Nicaragua, or at the Gulf of Fonseca, within those of Honduras, we mean to protect it with the consent of the States through which it may pass.

Sir Henry L. Bulwer has been most cordially received by the President, but I regret to learn from him that he has no instructions from Lord Palmerston in reference to this subject. As he has no authority to treat with us, we must submit to the delay of communicating with the British Government across the Atlantic. I await your despatches by the next steamer, hoping you have brought the negotiation to a close.

I am [etc.].

<sup>1</sup> For the text of this treaty, signed on September 28, 1849, see above, vol. III, p. 393, note 2.

2703

*John M. Clayton, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States*<sup>1</sup>

WASHINGTON, January 31, 1850.

SIR: The length of time necessarily occupied in communication between this country and Great Britain, and unfortunately the severe illness of the United States' Minister at London, render it possible that this Department may not receive so soon as would be desirable for the purpose of quieting apprehensions in the United States on the subject, an answer to the inquiries which Mr. Lawrence has been instructed to address to your Government<sup>2</sup> respecting its views and intentions in taking possession of Tigre Island, in the Gulf of Fonseca, which we are informed has been done by Captain Paynter, in command of Her Britannic Majesty's steamer "Gorgon," and in pursuance of instructions from Mr. Chatfield, Her Britannic Majesty's Chargé d'Affaires at Guatemala.

Presuming that you are apprized of the policy of your Government with reference to that part of the world, even if you have no special information as to the particular case referred to, I am induced to enquire if you deem yourself authorized or able to state whether or not the Government of Great Britain has it in contemplation to establish any colony in, or hold permanent possession of, the island in question, and to request such further explanations in regard to the proceedings of Mr. Chatfield as it may be in your power to give.

I avail myself [etc.].

2704

*John M. Clayton, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States*<sup>3</sup>

WASHINGTON, April 19, 1850.

SIR: I have now the honor to submit to you, in a shape in which I am authorized by the President to sign the same, the project of the Convention<sup>4</sup> which originated in our mutual conferences and consultations, shortly after your arrival in this country.

I presume, from the information you recently gave me as to the instructions you had received from Her Britannic Majesty's Government,<sup>5</sup> that you are duly authorized, and will be ready to concur in the said Convention; in which case, a time can be at once fixed for our common signature.

<sup>1</sup> Notes to Great Britain, vol. 7.

Henry Lytton Bulwer, to whom this note was addressed, presented his credentials as envoy extraordinary and minister plenipotentiary of Great Britain on December 24, 1849. He left Washington on leave on August 12, 1851.

<sup>2</sup> See instruction No. 13 to Lawrence, December 29, 1849, above, this part, doc. 2702.

<sup>3</sup> Notes to Great Britain, vol. 7.

<sup>4</sup> Not found.

<sup>5</sup> Below, this volume, pt. II, March 27, 1850, doc. 2904.

I have further to observe that at a period when, in consequence of circumstances, not now necessary to be stated, it was supposed that no such arrangement would be entered into between our respective countries as that we are now about to conclude, the treaty negotiated by this Government with the State of Nicaragua on the 3<sup>d</sup> day of September last, (a copy of which, so far as it related to the proposed ship canal, was transmitted by Mr. Lawrence to Lord Palmerston, on the 22<sup>d</sup> day of November last,<sup>1</sup>) was submitted to the Senate for advice in regard to its ratification.

This treaty is now in the possession of the Senators who, as the President's constitutional advisers in the exercise of the treaty making power, form a coördinate branch of the Government; and, as no treaty can be made without their advice and consent, that which you and I have originated, must be submitted to them in connection with the treaty above referred to. Whatever the Senate may decide in reference to either of these treaties, the President will not, I am persuaded, have occasion to controvert. He does not doubt, should the Senate confirm the treaty with Great Britain, that it will take care that any other treaty also confirmed by it, shall be in conformity therewith; and it is unnecessary for me to say that nothing in one of these treaties could be ratified which would be inconsistent with the spirit and intention of the stipulations contained in the other.

The friendly relations between the two greatest commercial nations of the world will, I trust, be strengthened by this new bond of union between them: and I anticipate the happiest results from their honorable and peaceful alliance for the purpose of diffusing the blessings of commerce and civilization.

It is exceedingly gratifying to me that a new treaty, likely to be so important in its results, should have been the consequence of our friendly intercourse; and I cannot terminate this negotiation without those mutual congratulations which the occasion warrants, and the sincere expression of that esteem and regard which has been created by the assistance you have given me in bringing our labors to a happy conclusion.

Accept the assurance [etc.].

2705

*John M. Clayton, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States*<sup>2</sup>

WASHINGTON, April 30, 1850.

SIR: I have the honor to acknowledge the receipt of your note of the 29<sup>th</sup> instant,<sup>3</sup> informing me that Her Britannic Majesty's Government have entirely approved of the language which you held, and the assurance which you gave, to me with reference to my enquiry as to whether it was true that

<sup>1</sup> See below, this volume, pt. II, doc. 2882, for this note; and for that part of the enclosed treaty relating to the ship canal, see above, vol. III, p. 360, note 2.

<sup>2</sup> Notes to Great Britain, vol. 7.

<sup>3</sup> Below, this volume, pt. II, doc. 2909.

Mr. Chatfield had made a treaty with Costa Rica, taking that Republic under British protection; that you have been furthermore instructed to state to me that your Government has not made, and has no intention of making, any treaty or arrangement with Costa Rica of that kind; and that you are also directed to add that it would be contrary to the fixed and settled policy of Great Britain to entangle herself by any engagement to protect distant States over whose policy and conduct it would be impossible for her to exercise any effective control.

I take pleasure in expressing the satisfaction with which this Government has received this friendly assurance from that of Her Britannic Majesty, the more especially as it cannot fail to strengthen the bonds of amity now existing between our respective countries.

I avail myself [etc.].

2706

*John M. Clayton, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States*<sup>1</sup>

WASHINGTON, May 20, 1850.

SIR: I have the honor to acknowledge the receipt of your note of the 11<sup>th</sup> instant,<sup>2</sup> representing that the French Government had expressed its willingness to coöperate with that of Her Majesty and of the United States for the purpose of arresting the conflict between the different races in S<sup>t</sup> Domingo and that Lord Palmerston considered the best course to be pursued for this purpose would be to instruct the representatives of the three Governments in Haiti to make a joint and concurrent representation to the Haitian Government to induce them to consent to a treaty of peace and friendship with the Dominican Republic.

I have submitted your note to the President, who has directed me to state in reply, that he fully appreciates the importance to the interests of commerce and humanity of the object which it proposes to accomplish, which would certainly redound to the honor and advantage of the Governments which might have a share in it.

To the Dominican Republic we have sent Special Agents, for the purpose of inquiring into its condition, with a view to enable us to decide upon the expediency of acknowledging its independence. A person who has for some time past been acting in the character referred to, on behalf of this Government, is daily expected to return. It is the President's intention to lose no time in communicating to the Senate the instructions to, and the correspondence of, the Special Agent referred to,<sup>3</sup> with a nomination of a Chargé

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> Below, this volume, pt. II, doc. 2911.

<sup>3</sup> See instructions to Green, dated June 13, 1849 and February 16, 1850, above, vol. VI, docs. 2193 and 2194; and also, in the same volume, pt. II, see the communications from Green with accompanying enclosures, from August 27, 1849 to June 15, 1850, inclusive.

d'Affaires to the Dominican Republic. If that enlightened body should think proper to confirm the nomination, the President will immediately be prepared to coöperate with Great Britain and France, by employing the good offices of this Government to bring about a lasting peace between that Republic and its adversary in the Island of St Domingo. The Chargé d'Affaires would accordingly be instructed to coöperate with the representatives of Her Majesty and of France for that desirable end.

I avail myself [etc.].

2707

*John M. Clayton, Secretary of State of the United States, to Abbott Lawrence, United States Minister to Great Britain*<sup>1</sup>

WASHINGTON, May 26, 1850.

SIR: As soon as you shall have ascertained that the Convention respecting Central America and the ship canal has been approved by the British Government, I desire you to communicate the intelligence to Mr. Rives, who is instructed to negotiate a similar treaty with the Government of France.<sup>2</sup>

I herewith send you a printed copy of the convention and of the President's message communicating it to the Senate.

The treaty was ratified by the Senate on Wednesday last, by a vote of forty-two against ten: it has also been approved by the President; and we shall be ready to exchange the ratifications, so soon as the British Government shall inform Sir Henry of their approval of the treaty.

I am [etc.].

2708

*John M. Clayton, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States*<sup>3</sup>

WASHINGTON, June 28, 1850.

MY DEAR SIR: I am directed by the President to inform you that he has ratified the Convention between Great Britain and the United States, concluded by us on the 19<sup>th</sup> of April last, and that I am now prepared to exchange the ratifications with you.

I am [etc.].

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> See instruction to Rives, dated May 26, 1850, above, vol. vi, doc. 2480.

<sup>3</sup> Notes to Great Britain, vol. 7.

2709

*John M. Clayton, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States*<sup>1</sup>

WASHINGTON, July 4, 1850.

SIR: I have received the declaration you were instructed by your Government to make to me, respecting Honduras and its dependencies, a copy of which is hereto subjoined.<sup>2</sup>

The language of the 1<sup>st</sup> article of the Convention concluded on the 19<sup>th</sup> day of April last, between the United States and Great Britain, describing the country not to be occupied, &C., by either of the parties, was, as you know, twice approved by your Government; and it was neither understood by them, nor by either of us, (the negotiators,) to include the British settlement in Honduras, (commonly called British Honduras, as distinct from the State of Honduras,) nor the small islands in the neighborhood of that settlement, which may be known as its dependencies. To this settlement and these islands, the treaty we negotiated was not intended by either of us to apply. The title to them it is now and has been my intention, throughout the whole negotiation, to leave, as the treaty leaves it, without denying, affirming, or in any way meddling with the same, just as it stood previously. The Chairman of the Committee on Foreign Relations of the Senate, the Hon<sup>ble</sup> William R. King, informs me that "the Senate perfectly understood that the treaty did not include British Honduras." It was understood to apply to and does include all the Central American States of Guatemala, Honduras, San Salvador, Nicaragua, and Costa Rica, with their just limits and proper dependencies. The difficulty that now arises seems to spring from the use, in our Convention, of the term "Central America" which we adopted because Viscount Palmerston had assented to it and used it as the proper term, we naturally supposing that, on this account, it would be satisfactory to your Government; but, if your Government now intend to delay the exchange of ratifications until we shall have fixed the precise limits of Central America, we must defer further action until we have further information on both sides, to which at present we have no means of resort, and which it is certain we could not obtain before the term fixed for exchanging the ratifications would expire. It is not to be imagined that such is the object of your Government; for not only would this course delay, but absolutely defeat the Convention.

Of course, no alteration could be made in the Convention as it now stands, without referring the same to the Senate; and I do not understand you as having authority to propose any alteration. But, on some future occasion,

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> For the text of this declaration, see below, this volume, pt. II, June 29, 1850, doc. 2917; and in note 3 thereto, see Clayton's memorandum, dated July 5, 1850, which was also subjoined to this note from the Secretary of State to Bulwer.



a conventional article, clearly stating what are the limits of Central America, might become advisable.

There is another matter still more important, which the stipulations of the Convention direct that we shall settle, but which you have no instructions now to determine; and I desire you to invite the attention of your Government to it—"the distance from the two ends of the canal" within which "vessels of the United States or Great Britain, traversing the said canal, shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents." The subject is one of deep interest; and I shall be happy to receive the views of your Government in regard to it, as soon as it may be convenient for them to decide upon it.

I renew to you, Sir, [etc.].

2710

*Daniel Webster, Secretary of State of the United States, to Abbott Lawrence, United States Minister to Great Britain*<sup>1</sup>

No. 33

WASHINGTON, August 10, 1850.

SIR: I have the honor to acknowledge the receipt of your despatches numbered sixty-eight and sixty-nine, with their enclosures, embracing the duplicate of correspondence with M. Molina, which came to hand this morning.<sup>2</sup> The subject of a treaty with Costa Rica will receive due consideration at no distant day; and, in the mean time, it is proper to say that objections are perceived to opening a negotiation at London.

I am [etc.].

2711

*Daniel Webster, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States*<sup>3</sup>

WASHINGTON, August 20, 1850.

SIR: I have received your note of the 17<sup>th</sup> instant,<sup>4</sup> respecting the coöperation of the Government of the United States with the Governments of Great Britain and France in preventing hostilities between the Dominican Republic and the Government of Haiti.

In reply, I have the honor to inform you that the only information possessed by this Department on the subject is contained in the notes which have

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> Lawrence's despatch No. 69 is not pertinent to this publication. His No. 68, July 25, 1850, is below, this volume, pt. II, doc. 2920, and his correspondence with Molina, the Costa Rican diplomatic representative in Great Britain, which had been enclosed previously in his No. 35, below, the same part, February 22, 1850, doc. 2899, is in note, pp. 355-6.

<sup>3</sup> Notes to Great Britain, vol. 7.

<sup>4</sup> See the second document of that date from Bulwer, below, this volume, pt. II, doc. 2924.

passed between it and yourself. In your note to Mr. Clayton of the 11<sup>th</sup> of May last,<sup>1</sup> you represented that the French Government had expressed its willingness to unit with that of Her Britannic Majesty and of the United States for the purpose of arresting the conflict between the different races in St Domingo, and that Lord Palmerston considered that the best course to be pursued for this purpose, would be to instruct the representatives of the three Governments in Haiti to make a joint and concurrent representation to the Haitian Government to induce them to consent to a treaty of peace and friendship with the Dominican Republic; and Mr. Clayton, in his reply of the 20<sup>th</sup> of the same month,<sup>2</sup> stated that this Government had sent Special Agents to that Republic, from time to time, for the purpose of enquiring into its condition, with a view to enable the United States to decide upon the expediency of acknowledging its independence; that a person, (Mr Green,) who had for some time been acting in the character of Agent on behalf of this Government, was daily expected to return; and that it was the President's intention to lose no time in communicating to the Senate the instructions to, and the correspondence of, that Agent, "with a nomination of a Chargé d'Affaires to the Dominican Republic:" when, "if that enlightened body should think proper to confirm the nomination, the President will be prepared to coöperate with Great Britain and France by employing the good offices of this Government to bring about a lasting peace between that Republic (the Dominican) and its adversary in the Island of St Domingo."

From this, it would appear that, at the date of the letter of Mr. Green to the Minister of Foreign Affairs of Haiti,<sup>3</sup> a copy of which accompanies your note of the 17<sup>th</sup> instant,<sup>4</sup> he could not have been aware of the correspondence between yourself and Mr. Clayton which has just been referred to. Mr. Green returned home in June last, and has been since engaged in preparing his final report, which has only recently been received at this Department. So soon, however, as the President shall be authorized to open regular diplomatic intercourse with the Dominican Republic, you shall be advised of the fact, in order that this Government may then join with England and France in bringing about a peace between the Dominican Republic and Haiti.

If reasons should be found to exist rendering inexpedient the appointment of a regular Chargé d'Affaires to Dominica, the propriety of deputing a Special Agent to coöperate with the Agents of England and France in that Island, with reference to this whole subject, will then be taken into early consideration by the President.

I avail myself [etc.].

<sup>1</sup> Below, this volume, pt. II, doc. 2911.

<sup>2</sup> Above, this part, doc. 2706.

<sup>3</sup> See this document, dated May 8, 1850, above, vol. VI, p. 83, note.

<sup>4</sup> Below, this volume, pt. II, doc. 2924.

2712

*Daniel Webster, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States*<sup>1</sup>

Private.

WASHINGTON, September 14, 1850.

MY DEAR SIR HENRY: I have had the honor to receive your's of the 12<sup>th</sup> instant,<sup>2</sup> and am very glad you are coming back to Washington, as the Senate are inclined to dispose, as soon as possible, of Mr. Squier's treaty, and I said to you that I would give you an opportunity of making any further suggestions you might think proper on the subject.

I shall be happy to see you as soon as you can be here.

I have signified to the Committee on Commerce of the Senate that there is no incompatibility between the proposed reciprocity bill and any treaty stipulations of this Government. My difficulty is, that the bill seems much more advantageous to Canada than to us, because we give her a large market, and she gives us a small one, for articles which are the common products of both. Perhaps, however, Congress may take a different view of the matter.

I am [etc.].

2713

*Daniel Webster, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States*<sup>3</sup>

WASHINGTON, October 2, 1850.

SIR: With reference to your notes to this Department upon the subject of the Slave Trade, under date of the 24<sup>th</sup> of March last,<sup>4</sup> I have the honor to transmit to you, herewith, an extract from a despatch, with a copy of other papers relating to the same subject, just received from the Minister of the United States at Rio de Janeiro,<sup>5</sup> from which it appears that the charge against the authorities of the United States at that place must have originated from an error in transcribing M<sup>r</sup> Hudson's despatch to Lord Palmers-ton, either in the British Legation at Rio, or in Her Majesty's Foreign Office.

I avail myself [etc.].

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> Notes to Great Britain, vol. 7.

<sup>3</sup> Not included in this publication. Their contents are sufficiently indicated below in this note.

<sup>4</sup> Not included in this publication.

<sup>5</sup> Below, this volume, pt. II, doc. 2902.

2714

*Daniel Webster, Secretary of State of the United States, to Abbott Lawrence,  
United States Minister to Great Britain*<sup>1</sup>

[EXTRACT]

No. 38

WASHINGTON, October 3, 1850.

SIR: I have the honor to acknowledge the receipt of your despatches to N<sup>o</sup> 75,<sup>2</sup> inclusive, with the exception of N<sup>o</sup> 24,<sup>3</sup> which, it would seem, has never reached this Department, or has been mislaid.

In your N<sup>o</sup> 71, of the 16<sup>th</sup> of August last,<sup>4</sup> you invite attention to various matters pending in your Legation, with the purpose of obtaining the views of the Department in relation to them. I will now proceed to notice the several subjects you mention.

The first in order and in importance is that touching "the unfinished negotiations with reference to Central America". In regard to the joint mediation of this Government and that of Great Britain, for the purpose of adjusting the dispute respecting boundaries, between Nicaragua and Costa Rica, you will notice that M. Molina, in his note to you, of the 5<sup>th</sup> of August last,<sup>5</sup> states that Costa Rica, fully concurring in the philanthropic views set forth in the Convention signed at Washington on the 19<sup>th</sup> of April of the present year, is willing to submit the question of her rights over all the territories in dispute between Nicaragua and herself to the combined mediation of the United States and Great Britain, and to regard their joint decision as final, provided that Nicaragua shall have previously placed herself under a similar obligation. The Department has not, at present, any means of consulting the Government of Nicaragua on the subject: that Government has no representative here, and the United States have no diplomatic agent in Nicaragua. In the civil and diplomatic appropriation bill, however, which has passed Congress, provision has been made for enabling the President to send a Chargé d'Affaires to that Republic. As soon as a suitable person for the office can be selected and commissioned, he will be despatched thither, with instructions to sound the Nicaraguan Government upon the subject of the mediation. If that Government should agree to it, it may become necessary to advise you further on the matter. It is proper, however, to apprise you that my predecessor wrote to the Supreme Director of Nicaragua, under date the 17<sup>th</sup> of June last,<sup>6</sup> requesting him to send a person hither with power and instructions to make a new treaty with this Government, conforming with that between the United States and Great Britain, of the 19<sup>th</sup> of April last. No answer to that communication has yet been received. The

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> No. 75 is not included in this publication.

<sup>3</sup> Not included in this publication.

<sup>4</sup> Below, this volume, pt. II, doc. 2922.

<sup>5</sup> This note from the Costa Rican diplomatic representative in Great Britain is below, this volume, pt. II, p. 404, note 3.

<sup>6</sup> Above, vol. III, doc. 759.

Nicaragua treaty negotiated by Mr. Squier has not been confirmed by the Senate, but it is still pending.

The copy of a proposed treaty between Belgium and Nicaragua, lent by Mr. Marcoleta to Mr. Bancroft, and forwarded by the latter to this Department with his despatch N<sup>o</sup> 143, <sup>1</sup> is herewith returned in pursuance of your request, to be handed to Mr. Marcoleta.

The President is fully impressed with the expediency of entering into a treaty of amity, commerce, and navigation with the State of Costa Rica; but objections are entertained, as you are apprized in my letter to you of the 10<sup>th</sup> of August last,<sup>2</sup> to opening a negotiation for that purpose at London.<sup>3</sup>

2715

*Daniel Webster, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States* <sup>4</sup>

WASHINGTON, January 10, 1851.

SIR: I have had the honor to receive your note of the 31<sup>st</sup> ultimo,<sup>5</sup> in which you state that you have been instructed to inform this Department that information has lately reached Her Britannic Majesty's Government that the American colors are still displayed upon Tigre Island, and to say that your Government entertains no doubt that this is owing to some misconception of the intentions of the United States' Government which it will cause to be removed.

In reply, I have the honor to acquaint you that the colors of the United States were never displayed upon Tigre Island by the authority of this Government; that it has never sanctioned that act; and will, as soon as may be practicable, adopt measures for causing them to be removed.

I avail myself [etc.].

2716

*Daniel Webster, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States* <sup>6</sup>

Private.

DEPARTMENT OF STATE, January 14, 1851.

MY DEAR SIR: I have selected an agent to proceed to St Domingo, for the purpose of coöperating with the agents of Great Britain and France in bring-

<sup>1</sup> Bancroft's despatch is below, this volume, pt. II, bearing only the date August, 1849, doc. 2868. The treaty enclosed with it is not included in this publication, and neither is it commented upon within that despatch.

<sup>2</sup> No. 33, above, this part, doc. 2710.

<sup>3</sup> The portion of the document omitted here does not pertain to inter-American affairs.

<sup>4</sup> Notes to Great Britain, vol. 7.

<sup>5</sup> Below, this volume, pt. II, doc. 2939.

<sup>6</sup> Notes to Great Britain, vol. 7.

ing about a peace in that Island. I shall communicate to him a copy of the proposed instructions to Mr. Usher, which accompanied your private note to me of the 21<sup>st</sup> of December.<sup>1</sup> and shall direct him to be governed by the views which they contain. He will probably start in the Steamer *Saranac* from Norfolk on Monday next. If, therefore, you will have the goodness to call here at eleven o'clock on Thursday, I shall be happy to show you my instructions,<sup>2</sup> and to confer with you on the subject generally.

I am [etc.].

2717

*Daniel Webster, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States*<sup>3</sup>

Private.

WASHINGTON, March 13, 1851.

DEAR SIR: I have received your private note of the 10<sup>th</sup> instant,<sup>4</sup> and owe you my acknowledgments for the information it contains. You will much add to the obligation, however, if you can, with propriety, give me some intimation of the source whence it is derived; the name of the vessel or vessels to be employed in the projected enterprise; the places, in the several States mentioned, where the young men referred to as being engaged in this illicit undertaking, may be found; or, in short, any facts of a nature to enable the Department to shape its proceedings and direct its inquiries so as to afford a reasonable ground of hope that they may lead to a favorable result.

I am [etc.].

2718

*Daniel Webster, Secretary of State of the United States, presumably to John F. Crampton, British Chargé d'Affaires ad interim at Washington*<sup>5</sup>

WASHINGTON, June 11, 1851.

SIR: I have just had a long conversation with M<sup>r</sup> Marcoleta, the Minister from Nicaragua here, relative to the port of San Juan and other matters connected therewith. The result was an understanding with him which would render the presence of Sir Henry L. Bulwer here, perhaps by the middle of next week, desirable. I will accordingly thank you to inform him to that effect.

I have the honor [etc.].

<sup>1</sup> See below, this volume, pt. II, doc. 2938, and, in note 2 thereto, p. 426, see the proposed instructions to Usher, instead of Usher as here written.

<sup>2</sup> For the instructions of January 18, 1851, to Special Agent Walsh, see above, vol. VI, doc. 2195.

<sup>3</sup> Notes to Great Britain, vol. 7.

<sup>4</sup> Below, this volume, pt. II, doc. 2944.

<sup>5</sup> Notes to Great Britain, vol. 7.

Presumably the note was addressed to the Secretary of the British legation instead of the British Minister because of the latter's temporary absence from the city.

2719

*Daniel Webster, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States*<sup>1</sup>

WASHINGTON, July 5, 1851.

SIR: I have the honor to acknowledge the receipt of your note of the 22<sup>d</sup> ultimo,<sup>2</sup> suggesting that, in view of the existing state of affairs between the Dominican Republic and the Haytian Government, the Emperor Soulouque should be invited to enter into an engagement with the United States, Great Britain, and France, not to resume hostilities against the Dominicans without giving the three Powers twelve months' notice of his intentions.

In reply, I have the honor to acquaint you, that this suggestion of Her Majesty's Government is favorably received by the President, and will be carried into effect, on the part of this Government, so soon as the United States shall again have a suitable agent for the purpose at Port au Prince.

I avail myself [etc.].

2720

*Daniel Webster, Secretary of State of the United States, to Sir Henry Lytton Bulwer, British Minister to the United States*<sup>3</sup>

WASHINGTON, July 5, 1851.

SIR: I have the honor to acknowledge the receipt of your note of the 22<sup>d</sup> ultimo,<sup>4</sup> stating that Her Majesty's Government had proposed to the Government of France that if the Emperor Soulouque should resume hostile operations against the Dominican Republic, the naval commanders of Great Britain, France, and the United States should blockade all the principal ports of Hayti, and should prevent the passage by sea of Haytian troops, ships of war, or military supplies; and that the Government of France having assented to the proposal, the Commander-in-Chief of Her Majesty's naval forces in the West Indies had been directed to carry into effect such measures of coercion as may be determined upon by the Agents of the mediating Powers at Port au Prince. You accordingly propose to this Government that its agent in Hayti and its naval commanders in the West Indies should coöperate in the measures adverted to, should an occasion for them arise.

In reply, I have the honor to inform you, that your note has been submitted to the President, who entirely concurs in the expediency of the measures which it proposes. The naval commanders of the United States, however, cannot be ordered to coöperate with those of Great Britain and

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> See the first document of that date from Bulwer, below, this volume, pt. II, doc. 2948.

<sup>3</sup> Notes to Great Britain, vol. 7.

<sup>4</sup> See the second document of that date from Bulwer, below, this volume, pt. II, doc. 2949.

France for such a purpose without authority from Congress. For this authority the President will apply at its next session, if, meanwhile, an accommodation should not take place between the contending parties in St Domingo, which would render the application unnecessary.

I avail myself [etc.].

## 2721

*William S. Derrick, Acting Secretary of State of the United States, to John F. Crampton, British Chargé d'Affaires ad interim at Washington*<sup>1</sup>

WASHINGTON, September 4, 1851.

SIR: I have received the note you addressed to this Department on the 21<sup>st</sup> ultimo,<sup>2</sup> in which, after calling the attention of the Government of the United States to an enclosed copy of a joint note addressed, under date of the 24<sup>th</sup> of July last, by Her Britannic Majesty's Consul and the Consul of France at Port au Prince, to the Haytian Government,<sup>3</sup> inviting the Emperor, for reasons therein assigned, not to resume hostilities against the Dominicans, without giving twelve months' notice of his intention to the mediating Powers; and stating that any aggressive act against the Dominicans will be followed by the immediate blockade of the ports of Hayti, by the combined naval forces of Great Britain and France, and by such other means as events may render necessary,—you suggest that, under certain contingencies, orders may be given to the Commanders of such of the vessels of War of the United States as may be sent to Hayti, to act, in all respects, short of such measures of coercion, in concert with the French and English forces.

I have the honor to acquaint you, in reply, that whilst the President regards with satisfaction the measures proposed to be adopted, under the contingencies mentioned in your note, by the combined naval forces of Great Britain and France, as being well calculated to prevent hostilities between the Haytian Government and the Dominican Republic; to save the effusion of human blood; and ultimately to lead to an amicable adjustment of differences between the two parties,—he has caused orders to be issued to the Commanding Officer of the Home Squadron of the United States to coöperate with those of Great Britain and France in any measures, short of actual coercion, consistent with the views of this Government as conveyed in the instructions from this Department to its Special Agent in St Domingo,<sup>4</sup> and subsequently communicated to the British and French Legations in this city.

I avail myself [etc.].

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> Below, this volume, pt. II, doc. 2951.

<sup>3</sup> For this joint note, see below, this volume, pt. II, p. 437, note 3.

<sup>4</sup> See the instructions to Walsh, January 18, 1851, above, vol. VI, doc. 2195.



2722

*Memorandum of oral reply of John J. Crittenden, Acting Secretary of State of the United States, to John F. Crampton, British Chargé d'Affaires ad interim at Washington*<sup>1</sup>

WASHINGTON, October 6, 1851.

At another interview,<sup>2</sup> held at the same Department on the 6th. of October, Mr. Crittenden<sup>3</sup> replied verbally to Mr. Crampton as follows:

I am instructed by the President to express his regret that such orders as those mentioned in the despatch from Lord Palmerston, should have been deemed necessary and proper by the British Government.

So far as they have reference to lawless and unauthorized expeditions against the Island of Cuba, apprehended from citizens of the United States, it is only necessary to say that such expeditions are forbidden by the laws of this Republic, and that its Government is able and determined to execute those laws. Evasions of them may occur, in spite of the utmost vigilance and energy; such instances are common to the laws of all countries. It is only by stealth and by favor of rare and accidental circumstances, that any such expeditions can escape from our shores; none of sufficient force or magnitude to create any serious apprehension for the safety of Cuba, and certainly none against which Spain herself is not abundantly able to protect that Island.

The Government of the United States, always determined, in perfect good faith, to maintain its neutral relations, and perform all its National obligations, condemns as strongly as the British Government, the lawless enterprises against which the orders in question appear to be directed, and the Government of the United States equally with the British Government desires their prevention or suppression.

But just and desirable as that end may be, the President could not witness without concern, any attempt to accomplish such an object by means which might eventually lead to encroachments on the rights of the people of the United States.

The President is of opinion that, so far as relates to this Republic and its citizens, such an interference as would result from the execution of those orders, if admitted to be rightful in themselves, would nevertheless be practically injurious in its consequences and do more harm than good. Their

<sup>1</sup> Special Missions, vol. 1.

There is no indication why this document was filed in this volume of Special Missions, rather than in the appropriate volume containing Notes to Great Britain. Two rough drafts of the same were also filed in Notes from Great Britain, vol. 28.

For the memorandum of the oral statement made by Crampton, the British minister, to which this is a reply, see below, this volume, pt. II, September 27, 1851, doc. 2954.

<sup>2</sup> The first was the one held on September 27, 1851, and cited in the footnote immediately above.

<sup>3</sup> Crittenden was Acting Secretary of State in the absence of Webster. See the diplomatic sketch of him, above, vol. VI, p. 459, note 4.

execution would be the exercise of a sort of police over the seas in our immediate vicinity, covered as they are with our ships and our citizens, and it would involve, moreover, to some extent, the exercise of a jurisdiction to determine what expeditions were of the character denounced, and who were the guilty adventurers engaged in them.

The President cannot but apprehend that such orders could not be carried into effect without leading too probably to abuses and collisions that would constantly jeopard and might seriously disturb, that peace and good will which he sincerely desires to see cultivated and made perpetual between the United States and Great Britain.

The President deems it unnecessary to say more, at present, on the subject of these orders, than to add the expression of his hope that there may never arise any occasion for carrying them into execution.

## 2723

*Daniel Webster, Secretary of State of the United States, to John F. Crampton, British Chargé d'Affaires ad interim at Washington*<sup>1</sup>

WASHINGTON, November 27, 1851.

SIR: I have the honor to acknowledge the receipt of your note of the 25<sup>th</sup> instant,<sup>2</sup> communicating a copy of the answer returned by the Haytian Government to a joint note addressed to it on the 24<sup>th</sup> of July last by Her Britannic Majesty's Consul and the Consul of France at Port au Prince,<sup>3</sup> in which answer that Government engages not to resume hostilities against the Dominicans for a twelvemonth.

I avail myself [etc.].

## 2724

*Daniel Webster, Secretary of State of the United States, to Abbott Lawrence, United States Minister to Great Britain*<sup>4</sup>

No. 64

WASHINGTON, December 3, 1851.

SIR: I transmit a copy of a letter of yesterday, and of the papers therein referred to, addressed to this Department by Mr. Joseph L. White,<sup>5</sup> as counsel of the American Atlantic and Pacific Ship Canal Company, from which it appears that when the steam ship "Prometheus", belonging to that company, was underweigh at San Juan del Norte, for the purpose of making her last voyage from thence to New York, the city authorities of San Juan boarded her with a police force, and served a process of attachment on the

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> Below, this volume, pt. II, doc. 2957.

<sup>3</sup> For the joint note, see below, this volume, pt. II, p. 437, note 3, and for the answer to it, dated October 16, 1851, see above, vol. VI, p. 114, note 5.

<sup>4</sup> Instructions, Great Britain vol. 16.

<sup>5</sup> Not included in this publication.

ship and Captain, for one hundred and twenty-three dollars, claimed by those authorities as port dues, which the Captain refused to pay. Thereupon, the English brig of war, "Express", lying in the harbor, immediately got underweigh, made sail for the steamer, and, when within a quarter of a mile of her, fired a round shot over her forecastle, and, a few minutes afterwards, another shot over her stern, which passed so near that the force of the ball was distinctly felt by several persons on board. The Captain of the steamer then sent a boat on board the brig to enquire the cause of the firing. The Captain of the brig replied, that it was to protect the authorities of Greytown in their demands; that, if the steamer did not immediately anchor, he would fire a bomb shell into her; and he ordered his guns to be loaded with grape and canister shot. The steamer then proceeded to the anchorage and anchored. The brig anchored very near the steamer, sent a boat on board the latter with orders that the fires should be extinguished, and to say that an officer would be sent to see that this was done. The authorities then came on board, the amount demanded was paid under protest, and the steamer was permitted to proceed to sea. It further appears that the Captain of the "Express" acted under the authority, and by orders of a Mr. Greene, who claims to be the British Consul at San Juan.

The President directs that you will lose no time in addressing a note upon this subject to Lord Palmerston. You will enquire if the Captain of the "Express" acted pursuant to orders from his Government, and whether his course is approved. You will state that if these questions should be answered in the affirmative, the President would consider the proceeding as a violation of the treaty of the 19<sup>th</sup> of April, 1850, by which Great Britain has stipulated that she would not make use of any protection which she might afford Nicaragua, the Mosquito Coast, or any part of Central America, for the purpose of assuming or exercising any dominion over the same.

If, as Mr. White says, Lord Palmerston instructed Mr. Greene, in October, 1850, not to interfere with the vessels of the company, and in November of that year again instructed him to make Greytown a free port, it is difficult to believe that these instructions could have been countermanded, as no cause therefor is known to exist.

Perhaps it may be said that, although San Juan be regarded as a free port, that only means that no duties of impost shall be levied or collected on goods, and does not imply that port charges are not to be paid by masters of vessels as in other ports. This Government, however, cannot consent to the collection of port charges at San Juan by British ships of war, or that their collection should be enforced by them.

The occurrence above referred to has created equal surprise and regret, and has caused the President to give immediate orders for the despatch of an armed vessel to San Juan.

I am [etc.].

2725

*Daniel Webster, Secretary of State of the United States, to John F. Crampton, British Minister to the United States*<sup>1</sup>

WASHINGTON, March 13, 1852.

SIR: I transmit a copy of the letter which I have this day addressed to Commodore Parker,<sup>2</sup> pursuant to a recent understanding with you,<sup>3</sup> in regard to San Juan de Nicaragua, or Greytown. The letter has been sanctioned by the President, and sent to the Secretary of the Navy, to be forwarded to its destination.

I avail myself [etc.].

2726

*Daniel Webster, Secretary of State of the United States, to John F. Crampton, British Minister to the United States*<sup>4</sup>

WASHINGTON, April 29, 1852.

The Undersigned has the honor to acknowledge the receipt of Mr. Crampton's note of the 23<sup>d</sup>,<sup>5</sup> together with the copy of the instruction from Lord Malmesbury, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs to Mr. Crampton, bearing date the 8<sup>th</sup> instant.<sup>6</sup>

There is no doubt that Lord Malmesbury has justly described the course of policy which has influenced the Government of the United States, heretofore in regard to the Island of Cuba. It has been stated and often repeated to the Government of Spain, by this Government, under various administrations, not only that the United States have no design upon Cuba themselves, but that if Spain should refrain from a voluntary cession of the Island to any other European Power, she might rely on the countenance and friendship of the United States to assist her in the defence and preservation of that Island; at the same time, it has always been declared to Spain that the Government of the United States could not be expected to acquiesce in the cession of Cuba to an European Power. The Undersigned is happy in being able to say, that the present Executive of the United States entirely approves of this past policy of the Government, and fully concurs in the general sentiments expressed by Lord Malmesbury, and understood to be identical with those entertained by the Government of France. The President will take Mr. Crampton's communication into consideration and give it his best reflections. But the Undersigned deems it his duty at the same time to remind Mr. Crampton, and, through him, his Government, that the policy of that of the United States has uniformly been to avoid as far as possible

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> Not found.

<sup>3</sup> Apparently an oral understanding, since no note from Crampton to the Secretary of State was found on this subject.

<sup>4</sup> Notes to Great Britain, vol. 7.

<sup>5</sup> Below, this volume, pt. II, doc. 2974.

<sup>6</sup> See below, this volume, pt. II, p. 459, note 2.

alliances or agreements with other States, and to keep itself free from national obligations, except such as affect directly the interests of the United States themselves. This sentiment has been strongly felt and uniformly entertained in the councils of this Government from its earliest history. How far, therefore, it may be necessary to make this case of Cuba an exception, and especially how far any motive may be found for entering into treaty stipulations or exchange of official declarations with the Governments of Great Britain and France, in the existing state of things, upon the subject of Cuba are questions which, as the Undersigned has already intimated, will be maturely considered.

The Undersigned [etc.].

2727

*Daniel Webster, Secretary of State of the United States, to Abbott Lawrence, United States Minister to Great Britain*<sup>1</sup>

No. 77

WASHINGTON, May 14, 1852.

SIR: Your despatches to N<sup>o</sup> 176,<sup>2</sup> inclusive, have been received.

On the 30<sup>th</sup> ultimo, as you may have been informed through another channel, M<sup>r</sup> Crampton and myself agreed upon and signed a proposition to Costa Rica and Nicaragua<sup>3</sup> for the adjustment of their disputes upon the subject of boundary, and also for the adjustment of the controversy between Great Britain and Nicaragua in regard to the territory claimed by the Mosquito Indians. If this proposition should be accepted by those Republics, a quadripartite treaty will probably be entered into by them, Great Britain, and the United States. A principal impediment to the commencement or successful progress of the ship canal through Nicaragua will then have been removed.

Considering that the United States and Great Britain have jointly agreed to protect such a canal, and, in consequence of their possessions on the coast of the Pacific and of other obvious causes, have a similar interest in its success, it seems desirable that the capital required for its construction should be advanced by the citizens and subjects of both countries. If, however, English capitalists should not be disposed to invest their funds in the enterprize, the means for its construction can easily be obtained in this country, whenever our citizens shall be satisfied of its practicability, and that it would yield a regular and fair profit. Convinced of the great importance of the work, the Government of the United States would always be disposed to aid in the prosecution thereof to the full extent of its constitutional power. It is not likely, however, that the canal company will need any such assistance from this Government.

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> No. 176 is not pertinent to this publication.

<sup>3</sup> This proposition is above, vol. IV, p. 18, note 4.

The practicability of the canal may now be considered as certain. The survey under Colonel Childs, whose high professional and personal character are probably known to you, was some time since completed. He recently visited this city, bringing with him maps, plans, and estimates for the work. By direction of the President, these were laid before Colonels Abert and Turnbull, of the United States Topographical Engineers, for examination and report. The report of these officers has confirmed the accuracy of the estimates of Colonel Childs. No doubt is entertained that they will receive a similar confirmation from any military or civil engineers in England to whom they may be submitted.

Your despatches relative to the appointment of an engineer on the part of this Government to accompany or join a British Government engineer for the purpose of surveying the route for a canal between Port Escoces and the Gulf of San Miguel<sup>1</sup> were duly communicated to the Department of War, but no answer upon the subject has been received. It may be deemed doubtful, however, whether that Department can, under existing circumstances, spare an engineer for such service abroad. Our corps of engineers is very small, and there are professional duties at home much more than enough to employ the whole time of all of them.

If you think proper, you may either read this despatch to Lord Malmesbury, or leave a copy of it with him.

I am [etc.].

2728

*William Hunter, Acting Secretary of State of the United States, to John F. Crampton, British Minister to the United States*<sup>2</sup>

WASHINGTON, May 28, 1852.

SIR: I have the honor to transmit to you, herewith, for your information, the copy of a letter just received from the Secretary of War,<sup>3</sup> to whom had been referred the proposal of Her Britannic Majesty's Government relative to the appointment of an engineer on the part of the Government [of the] United States to accompany a British Government Engineer for the purpose of surveying the route for a canal between Port Escoces and the Gulf of San Miguel. It will be seen from Mr. Conrad's letter that for reasons therein assigned it will not be in the power of this Government to accede to the proposition.<sup>4</sup>

I avail myself [etc.].

<sup>1</sup> See below, this volume, pt. II, Lawrence's despatches Nos. 164, 168, and 172, dated respectively, February 27, March 26, and April 2, 1852, docs. 2964, 2967, and 2969.

<sup>2</sup> Notes to Great Britain, vol. 7.

<sup>3</sup> Not included in this publication.

<sup>4</sup> The reasons given for declining this proposition in Secretary of War Conrad's letter of May 25, were stated in the following quotation from an act of Congress of 1838: "that officers of the army shall not be separated from their regiments and corps for employment on civil works of internal improvements or be allowed to engage in the service of incorporated companies."

2729

*Daniel Webster, Secretary of State of the United States, to John F. Crampton, British Minister to the United States*<sup>1</sup>

WASHINGTON, July 1, 1852.

The President has seen this morning in one of the public journals, what is stated to be a proposition jointly signed by yourself and the head of this Department, for the adjustment and determination of certain contested claims to territory between Nicaragua, Costa Rica, and the Mosquito Indians. This unauthorized and highly improper publication, has caused the President much surprise, and the Undersigned is directed to inquire into its origin and ascertain it if possible.

Mr. Crampton, therefore will not consider it as any imputation on his own high honor and character that this opportunity is afforded him to disclaim all agency or participation in this publication, and to state that he has no knowledge, or means of knowledge of the way in which it became known to those by whose agency or permission it has been made public, and to state explicitly that he has made no communication of these propositions, or of any part of them, to any other person or persons than the Ministers of Nicaragua and Costa Rica. If it shall turn out that this statement has appeared in consequence of any communication made by an officer of this government, the President will feel it his duty not only to the United States but to the other Governments concerned, to apply the proper punishment for such an offence.

A communication in the same words will be addressed Mr. Marcoleta and to Mr. Molina.

An immediate answer to this would be acceptable.

The Undersigned avails himself [etc.].

2730

*William Hunter, Acting Secretary of State of the United States, to Abbott Lawrence, United States Minister to Great Britain*<sup>2</sup>

[EXTRACT]

No. 86

WASHINGTON, July 10, 1852.

SIR: Your despatches to N<sup>o</sup> 192,<sup>3</sup> inclusive, have been received at this Department.

With reference to the subject of your despatches numbered 166 and 179,<sup>4</sup> I have to inform you that the Minister of the United States at Rio de Ja-

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> Instructions, Great Britain, vol. 16.

<sup>3</sup> No. 192 is not pertinent to this publication.

<sup>4</sup> Both are below, this volume, pt. II, dated respectively, March 22 and April 30, 1852, docs. 2965 and 2976.

neiro, Mr. Schenck has been clothed with full power and authority to enter into commercial arrangements with the States bordering on the La Plata and its tributaries; and that he has for that purpose been instructed to proceed to Buenos Ayres, there to act in concert with Mr. Pendleton, the Chargé d'Affaires of the United States to the Argentine Confederation, who is clothed with like power and authority.<sup>1</sup>

2731

*Edward Everett, Secretary of State of the United States, to John F. Crampton, British Minister to the United States*

WASHINGTON, December 1, 1852.

[Same as note to the Comte de Sartiges, on this date, *mutatis mutandis*, envoy extraordinary and minister plenipotentiary of France to the United States, rejecting the proposed Tripartite Convention between England, France, and the United States, binding the high contracting parties to renounce "now and for hereafter all intention to obtain possession of the Island of Cuba."]<sup>2</sup>

2732

*Edward Everett, Secretary of State of the United States, to Joseph R. Ingersoll, United States Minister to Great Britain*<sup>3</sup>

No. 10

WASHINGTON, December 6, 1852.

SIR: I have the satisfaction to inform you that a short time since, an arrangement was made between this Department and the Peruvian Minister for the adjustment of the Lobos Island difficulty. I enclose you a copy of a letter to that Minister<sup>4</sup> which will fully explain to you the general nature of the arrangement.

With a view to saving the interests of the private parties concerned, the Peruvian Minister has agreed, on behalf of his Government, to charter, on account of the Peruvian Government, the American vessels which went to the Lobos for guano, prior to August 25<sup>th</sup>, when the orders to our Squadron in the Pacific were revoked, by which it had been directed to protect these vessels. The arrangement includes vessels in the Pacific chartered under

<sup>1</sup> The portion of the document omitted here relates to an extradition treaty with Bavaria.

<sup>2</sup> The text of this note is above, vol. VI, doc. 2488.

<sup>3</sup> Instructions, Great Britain, vol. 16.

Joseph R. Ingersoll, of Pennsylvania, to whom this instruction was addressed, was commissioned as envoy extraordinary and minister plenipotentiary to Great Britain on August 21, 1852, and he presented his credentials October 16 of that year. He took leave on August 23, 1853.

<sup>4</sup> Presumably Secretary Everett's note to the Peruvian Minister, dated November 16, 1852, is the enclosure referred to, for the text of which, see below, volume and part containing Communications to Peru.



orders which left this Country, prior to that date, and which shall be offered to the Peruvian Agents in this country before 1<sup>st</sup> January 1853.—

My letter to the Peruvian Minister has found its way into the newspapers through some private channel, not in the original, but in a re-translation from a Spanish version. The substance is correctly given, but the language is of course changed. I will thank you, if the letter has not appeared in the London papers to send a copy of it to "the Times". If it has been already published, as it will have been from the retranslation, I will thank you to address a private note to "the Times" or any other journal in which it may have appeared, requesting that fact to be stated. It is not necessary that your name should be mentioned, or that any official importance should be given to the affair.—

With great respect [etc.].

2733

*William L. Marcy, Secretary of State of the United States, to Joseph R. Ingersoll, United States Minister to Great Britain*<sup>1</sup>

No. 39

WASHINGTON, June 9, 1853.

SIR: Some days since, Mr. Crampton, Her Britannic Majesty's Minister, read to me a despatch of the 29<sup>th</sup> of April, last, addressed to him by Lord Clarendon, Her Majesty's principal Secretary of State for Foreign Affairs, relative to the occurrences in March last, at San Juan (called Greytown in that despatch).<sup>2</sup> Having afterwards been furnished by Mr. Crampton with a copy of the despatch, the President has been made acquainted with the views which it presents.

The President does not discover in those occurrences—and, if fully known to Her Majesty's Government, he presumes it would not discover anything that could give rise to the apprehension of Lord Clarendon that they tend "to complicate still further a question already sufficiently embarrassing and difficult of solution—" the Central American question. As the President has not seen any thing to disapprove in the proceedings of Captain Hollins on the occasion referred to, he has instructed me to communicate his views to you on that subject, in order that they may be presented to Her Majesty's Government; and he is quite confident that the transaction at San Juan, when all the facts in relation to it are known, will appear in a light very different from that in which it has been viewed by Lord Clarendon. There is probably some difference of opinion between the two Governments as to the right of the Accessory Transit Company to retain possession of Punta Arenas against the people at San Juan. The dwellers at that place were not, when these occurrences happened—and, as the President believes,

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> For this document, see below, this volume, pt. II, p. 494, note 2.

never were, in actual possession of Punta Arenas; nor, as the case is understood here, have they any title to it or any right to disturb that Company in the occupancy thereof.

If this point of land is within the territorial limits of Nicaragua, as that Republic claims it to be, the right of the Accessory Transit Company can hardly be drawn in question. It is derived from an express grant in their charter from the Government of Nicaragua. If, on the other hand, it is within the territorial limits of Costa Rica, as that State asserts, the Company can retain their possession, as against the people at San Juan, who do not pretend to hold the town of San Juan, or any other property by grant or permission from the Government of Costa Rica.

The United States cannot recognise as valid any title set up by the people at San Juan derived from the Mosquito Indians. It concedes to this tribe of Indians only a possessory right—a right to occupy and use for themselves the country in their possession, but not the right of sovereignty or eminent domain, over it.

It is not now made known, for the first time, to Her Majesty's Government, that the United States denies that these Indians have any sovereignty over the country they occupy. Our Government does not make—nor does it perceive any good reason for making—any distinction between this tribe of Savages and those which occupied parts of our territories or of the territories of the British Provinces in North America. I am aware that Her Majesty's Government regard the Mosquito Indians as an exceptional case to the rule generally acted on by itself, as well as other nations; but in this claim the United States has never acquiesced. It is not proposed on this occasion to discuss this question; for however decided, it cannot change the aspect of the transaction alluded to. It is not probable that any attempt will be made to claim for the people at San Juan any authority over Punta Arenas—derived from the Mosquito Indians, even if it were possible to invest them with sovereign authority over the country they have occupied. Punta Arenas it will be recol[le]cted, is on the southern bank of the river San Juan. At the time when the Accessory Transit Company took possession of it, there was scarcely the foreshadowing of a pretension to a claim for these Indians to any territory whatever on the south side of that river.

With such a title and actual possession under it by the Accessory Transit Company, the extraordinary proceedings of the people at San Juan to destroy the Company's property at Punta Arenas seems to me to deserve no countenance from any quarter; nor does the assistance rendered to the Company, being composed of citizens of the United States, by the Commanding Officer of one of our national vessels merit rebuke or require justification.

I am quite sure Her Majesty's Secretary of State would not have commented as he has upon the transaction, if all the facts had been known to him. The main—if not the only—ground of objection presented by Her

Majesty's Government to the conduct of the Commander of the *Cyane*, is not, as I understand the despatch of Lord Clarendon, that Captain Hollins interposed to prevent acts of violence from being perpetrated against the Company, "but that he did not "in the first instance at least", confine ["] that interposition to a *warning* to the Town Council of Greytown to desist from those forcible proceedings, under pain of compelling him, if they were persisted in, to interfere by force of arms in protection of the Company until the question of lawful or unlawful occupancy should have been fairly decided."<sup>1</sup>

Lord Clarendon assumes that no such warning was given; and the omission to give it appears to be the only ground for his animadversions on the conduct of the Commander of the *Cyane*. This ground is entirely swept away by the facts of the case. The *warning* to the full extent suggested *was* given to the Town Council of San Juan, over and over again. The day before that fixed on for the demolition of the buildings on Punta Arenas by the people at San Juan, Captain Hollins, hearing of their intention to commit that act of violence, sent Theodore P. Green, his first Lieut., on shore, with directions to inform the people of San Juan that if they attempted to carry their resolution to destroy the property at Punta Arenas into effect, he should resist them by force. Lieut. Green gave this warning to the Mayor and Common Council while in session at their Council Chamber. He in fact did all that Lord Clarendon suggests as proper to have been done prior to an allowable interposition by an armed force. But Capt. Hollins' precautionary steps went much further. In the morning of the same day on which the attempt was made to destroy the property at Punta Arenas by the people of San Juan, being informed that they did not intend to heed this warning and desist, but were preparing to execute the threatened outrage, he went himself on shore, and in person, to the Common Council, then in session, and notified them "that he should be compelled to put a stop to any depredations they might attempt upon the property of the Accessory Transit Company." Capt. Hollins' efforts to prevent the violent proceedings of the people at San Juan did not cease with this twice repeated "warning"; but after his return on board of the "*Cyane*", he issued a written warning addressed to the Mayor of that place of which the following is a correct copy.

*George N. Hollins, Commander, U. S. S. Cyane, to the Mayor of San Juan del Norte (Greytown), Nicaragua*

HARBOR OF SAN JUAN DEL NORTE, OR GREYTOWN, *March 11, 1853.*

SIR: After the interview I had with Your "Honor" this morning, before Your Honorable Council Assembled, I have to state most respect-

<sup>1</sup> The words "but that he did not" in this paragraph are not in the instructions of the British Secretary of State for Foreign Affairs, and should not have been preceded by a quotation mark.

fully, that I cannot permit any depredations on the property of the Accessory Transit Company whose depot is located upon Punta Arenas, at the entrance to this harbor.

I am [etc.].

These facts, when brought to its notice, must, as the President believes, convince Her Majesty's Government that there is no cause for taking the exception which it has taken to Capt. Hollins' conduct at San Juan in March last: they must remove from Lord Clarendon's mind all feelings of regret, and all apprehension that the occurrences to which he refers will in any way complicate "the already sufficiently embarrassing and difficult question" between the two Governments in regard to Central America.

The President considers it to have been the unquestionable duty of the Commander of the Cyane to afford the protection he did to the Accessory Transit Company against the threatened outrage of the people at San Juan; and he cannot discover anything in the manner of performing that duty to which any exception ought to be taken.

If there be anything in the transactions at San Juan at that time to be regretted, it is the course which the Commander of the British Steamer Geyser saw fit to pursue in regard to this movement of the populace at that place a short time previous to that of the 11<sup>th</sup> March against the servants and property of the Accessory Transit Company on Punta Arenas. On the evening previous to the day when an attack upon both was made by a party from San Juan, the Capt. of the Geyser was at anchor in the harbor, and was notified by the Company's Agent of the intended attack the next day on the property of that Company at Punta Arenas; but, instead of interposing to prevent the meditated destruction of it, or to dissuade the reckless men engaged in that project from an act so outrageous—so likely to lead to violence and civil confusion, he departed temporarily from the port, leaving the servants and property of the Company at the mercy of their assailants. It is reasonable to conclude that if the kind offices of that officer had been then vigorously interposed, and his departure from the port at that crisis had not given some plausibility to the inference, doubtless unjust towards Capt. Wilson,—that he did not disapprove of the movement, no force would have been required to prevent difficulties at that or any subsequent period.

It is proper to say in conclusion that the President does not authorize me to say in reply to the despatch of Her Britannic Majesty's principal Secretary of State for Foreign Affairs,<sup>1</sup> anything which may be construed into a recognition on his part of the claim set up by the people at San Juan to sovereign Authority in themselves over any territory whatever, or to any municipal or corporate powers or political organization derogatory to the sovereign rights of either Nicaragua or Costa Rica; nor does he regard any instructions heretofore issued from this or the Navy Department to our Naval Officers

<sup>1</sup> See this document, dated April 29, 1853, below, this volume, pt. II, p. 494, note 2.

for the temporary recognition of an authority for the mere purpose of preserving the public peace, and punishing wrongdoers by the anomalous settlement at San Juan as sanctioning the pretensions of the people of that place to be considered a *de facto* Government independent of the State within the territorial limits of which the town of San Juan is situated.

In order to apprise Her Majesty's Government of the views of the President in regard to the occurrences at San Juan in March last, you will read this Despatch to the Secretary of State for Foreign Affairs and also furnish him with a copy of it if a copy should be requested.

I am [etc.].

2734

*William L. Marcy, Secretary of State of the United States, to James Buchanan, appointed United States Minister to Great Britain*<sup>1</sup>

[EXTRACTS]

No. 2

WASHINGTON, July 2, 1853.

SIR: The long period which you have devoted to the service of your country, and your accurate knowledge of its foreign affairs render it unnecessary to present to you in detail all the subjects embraced within the sphere of your Mission.

Our relations with Great Britain although cordial are not entirely free from embarrassment. There are complicated questions of serious import pending between the United States and that Realm, which require to be conducted with a great degree of prudence in order to preserve unbroken the existing bonds of friendship which unite the two countries. . . .<sup>2</sup>

It was foreseen, not many years after the adoption of the Constitution of the United States that danger to our repose as an independent nation, might arise from the establishment of New Colonies by European Powers on the American Continent. This apprehension very generally prevailed for some time previous to the year 1823, and it was considered, as a matter of precaution, looking to our own welfare, as well as that of other independent nations on this continent, that further colonization by trans-atlantic powers in this quarter ought to be discountenanced and resisted. But not until that year was this policy emphatically announced by the Government of the United States. Mr. Monroe, in his annual message of 1823, stated that "the American Continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered subjects for

<sup>1</sup> Instructions, Great Britain, vol. 16.

This instruction was written to Buchanan before he left the United States. See the reply thereto of July 14, 1853, below, this volume, pt. II, doc. 3001.

This document contains several incomplete quotations.

<sup>2</sup> The omitted portion relates to the British North American fisheries question.

future colonization by any European Powers." This doctrine, thus openly asserted, commended itself to the approval of the whole American People. It is similar in principle to that which had long been and still continues to be acted on by the Nations of Europe. By adjusting the balance of power among themselves, they have done what, in their judgment, they deemed to be due to their own safety and their future tranquillity; and they cannot consistently take exception to a proceeding on our part, having the same object in view for ourselves.

Mr. Polk, as you will remember, reaffirmed on more occasions than one, the same doctrine as far as related to North America. His position was "that no future European Colony or dominion shall, with our consent, be planted or established on any part of the North American Continent." This has now become the settled policy of the Country and the President is resolved to sustain it.

Great Britain for a long period has had possession of a district of country on the shores of the Bay of Honduras called "The Balize".—The right she has to hold it, is derived from a grant by Spain; and this right is limited to a single purpose, with an express prohibition against using it for any other. A possession so restricted as to its use, could never be considered a British Colony. While she confines herself to the boundaries specified in her Treaties with Spain in 1783 and 1786, and uses the district or Country described only for the purposes stipulated therein, we have no right to complain that she is infringing our policy; but when she extends her occupancy by encroachments far beyond the prescribed bounds, and changes its tenure by exercising over it civil authority, a very different character is given to this settlement; it then becomes a new Colony on this Continent.

Since the acquisition of California, Great Britain has manifested a more matured design to change this Spanish license to cut dye-wood and mahogany at the Balize into a British dominion. The object of such change cannot be misunderstood, nor will it be disregarded by this Government. The character of the British settlement at the Balize is explicitly shown by an authority which will not be controverted, or questioned by the Government of Great Britain. This authority is no other than the Parliament of the United Kingdom. In two acts,—one passed in 1817, and the other in 1819, it is admitted that the Balize is not within the British Dominions. In these acts provision is made for the punishment of crimes committed at Balize which otherwise could not be punished by any existing law, because Balize, as expressly alleged, was not a British Dominion. In 1826 Great Britain renewed in her Treaty with Mexico the special grant made to her by Spain in the Treaties of 1783, and 1786, to enter into and occupy the Balize upon the same terms and with the same restrictions as those imposed upon her by Spain. The United States while they concede that Great Britain has rights in the Balize, positively deny that the Balize is a British Province or any

part of the British Dominions, and in maintaining the policy referred to they are bound to resist any attempt to convert it into a British Colony.

The protectorate which Great Britain has assumed over the Mosquito Indians is a most palpable infringement of her Treaties with Spain to which reference has just been made; and the authority she is there exercising under pretense of this protectorate is in derogation of the sovereign rights of several of the Central American States and contrary to the manifest spirit and intention of the Treaty of April 19, 1850, with the United States.

Though ostensibly the direct object of the Clayton and Bulwer Treaty was to guarantee the free and common use of the contemplated Ship Canal across the Isthmus of Darien, and to secure such use to all nations by mutual treaty stipulations to that effect, there were other and highly important objects sought to be accomplished by that Convention. The stipulation regarded most of all, by the United States, is that for discontinuing the use of her assumed protectorate of the Mosquito Indians, and with it the removal of all pretext whatever for interfering with the territorial arrangements which the Central American States may wish to make among themselves. It was the intention as it is obviously the import of the Treaty of April 19, 1850, to place Great Britain under an obligation to cease her interpositions in the Affairs of Central America, and to confine herself to the enjoyment of her limited rights in the Balize. She has by this Treaty of 1850, obligated herself not to occupy or colonize any part of Central America, or to exercise any dominion therein. Notwithstanding these stipulations she still asserts the right to hold possession of and to exercise control over, large districts of that country and important islands in the Bay of Honduras—the unquestionable appendages of the Central American States. This jurisdiction is not less mischievous in its effects, nor less objectionable to us, because it is covertly exercised (partly at least) in the name of a miserable tribe of Indians, who have in reality no political organization—no actual government—not even the semblance of one, except that which is created by British Authority and upheld by British Power.

This anomalous state of things is exceedingly annoying to the States of Central America and but little less so, to the United States, for through the Bay of Honduras, and across some of these states, lies one of the most desirable routes to our possessions on the Pacific: This interference it will be recollected did not assume a marked character until after our acquisition of California.

Great Britain should be frankly assured that the policy to which I have alluded, and to which the United States mean to adhere, is exclusively political. As relates to commerce, this Government neither aims at, nor desires any advantage, in our intercourse with the nations on this Continent, which it would not willingly see extended to the whole world.

The object which it is hoped you may be able to accomplish, is to induce

Great Britain to withdraw from all control over the Territories and Islands of Central America, and, if possible, over the Balize also, and to abstain from intermeddling with the political affairs of the Governments and people in that region of the world. This object is the more earnestly desired by the United States as it is apparent that the tendency of events in that quarter is to give a foothold to British Power there in contravention of the policy which this Government is resolved to sustain.

With your ample knowledge of the facts, it is believed that it will be easy for you to satisfy the Government of Great Britain that it has no right to intervene in the political affairs of Central America, founded upon any dominion she can fairly claim in any part thereof and that no obligation of duty or interest is imposed upon her to become a volunteer in the matter.

It is true she has some rights as I have before stated, in the Balize; but when restricted to proper limits, no part of it is in Central America. These rights are however very few; as will be perceived by the second and third Articles of the Treaty between her and Spain, dated the 14<sup>th</sup> of July 1786. The second article defines the extent of the district upon which British subjects may enter for the purposes specified in the third article which contains an express admission that the Balize then belonged to the crown of Spain and in it Great Britain stipulates, in no ambiguous terms, that her subjects who have the right to enter it to cut dye-wood and mahogany, shall not use this limited right as a pretext for establishing "in that country any plantation of sugar, coffee cacao, or other kind of articles or any kind of fabric or manufacture by means of Mills or machinery whatsoever"; with the exception of saw mills for cutting the wood which they have permission to take from that district of country. To enter into the country upon such conditions, for the single purpose granted, the British right cannot be well questioned; but this right is understood to be now of very little value; and possibly, as a matter of interest and good policy, Great Britain may be willing to renounce it entirely. But her pretensions beyond this right cannot be regarded in any other light than as encroachments which ought to be abandoned. To show that her privilege is thus circumscribed, nothing more is necessary than to read the first article of the Treaty to which I have alluded. Though a labored attempt has been made to pervert it, the language is too precise and explicit to give plausibility to such an effort.

That Article stipulates (I quote the language of the Treaty) that "his Britannic Majesty's subjects and the other colonists who have hitherto enjoyed the protection of England shall evacuate the Country of the Mosquitos as well as the Continent in general and the Islands adjacent, without exception, situated beyond the line hereinafter described as what ought to be the frontier or the extent of country granted by His Catholic Majesty to the English for the uses specified in the 3<sup>d</sup> Article of the present Convention and in addition to the country already granted to them (the Balize) in virtue of



the stipulations agreed upon by the Commissioners of the two Crowns in 1783."

After reading the Treaties with Spain of 1783 and 1786 in which Great Britain renounces in terms the most explicit and comprehensive in the English language, all right to any territorial possessions in any part of Central America, all sovereign rights in behalf of the Mosquitos and all claim to a protectorate over that horde of savages, it would seem to be useless to go beyond those Treaties for facts to explode the pretensions she now asserts for herself in regard to this protectorate. Clear as both of these Treaties are against such pretensions, it is nevertheless true that one of Her Britannic Majesty's late Principal Secretaries of State for Foreign Affairs—Lord Palmerston has endeavoured to pervert and by construction to render them meaningless, in the same manner that her present Secretary attempts to render ineffective the Treaty with the United States of the 19<sup>th</sup> of April 1850. The boldness of the attempt with respect to the Treaty of 1786 and its ill success is shewn by a proceeding in relation thereto in the British Parliament within one year after it was concluded.

The record of this proceeding is not found in the more general repository of Parliamentary debates "Hansard's Collection" and it could not have been in the recollection of Lord Palmerston when he wrote his famous letter upon this Treaty and that of 1783, addressed to Senor Castillon [Castellón] in 1849.<sup>1</sup> As this proceeding shows the groundlessness of the claim then, as now set up to this protectorate, and all other British claims in Central America I deem it proper to present herein a succinct account of it.

On the 26<sup>th</sup> of March 1787, a motion was made in the House of Peers by Lord Rawdon,—“That the terms of the Convention of July 14<sup>th</sup> 1786, do not meet the favorable opinion of this House”. On this motion a long debate ensued, between Lords Rawdon, Carlisle, Stormont, Hawke and Porchester in support of the motion, and the Duke of Manchester, who negotiated the Treaty of 1783, the Marquis of Carmarthen, Secretary for Foreign Affairs, who negotiated the Convention of 1786, and the Lord Chancellor, the celebrated Thurlow.

Lord Rawdon, on introducing his motion stated “that the Mosquito shore given up to Spain by the Treaty of 1786 had been for more than a century in the possession of Great Britain; that it consisted of a territory, of between four and five hundred miles in length and was nearly of the depth of one hundred miles inland from the sea; that there were on it various settlements, and that the residents at the time of its cession consisted of near 1500 British subjects, including whites, male and female, persons of mixed color and their slaves; that a regular form of government had been established on it, many years since consisting of a council, etc; that it was a settle-

<sup>1</sup> Presumably he refers to the one dated July 16, 1849, for which see above, vol. III, p. 370, note.

ment of great value and importance to this Country; and that our claim to it was as good as our claim to the island of Jamaica. In support of these assertions, His Lordship produced various documents from the Governor and assembly of the Island of Jamaica and other corroborating papers. In exchange for this valuable settlement he said, the British Ministers had contented themselves, with accepting a narrow slip of territory, of between eleven and twelve miles in extent only. Lord Rawdon then proceeded to censure the Ministers, especially for the fourteenth article of the Convention, by which the King of Spain promises not to exercise any act of severity against the Mosquitos inhabiting in part the countries which are to be evacuated, on account of the connections which may have subsisted between the said Indians and the English, which His Lordship declared to be "a most degrading humiliation of Great Britain."

The Earl of Carlisle in the same manner, spoke of the Mosquito shore, as a settlement that had been in the undisturbed possession of Great Britain for more than a century. He considered the Ministers especially censurable "for having hung up the humiliation of Great Britain in every Court in Europe, in an article so degrading to the national honor as the 14<sup>th</sup> Article of the Convention, because there could be no secret reason, for such a mortifying sacrifice of the Spirit of the country." Lord Stormont likewise "particularly enlarged on the 14<sup>th</sup> Article, as an unnecessary degradation of the country, and he said the Mosquito Indians had proved themselves faithful allies, and had invariably adhered to the interests of Great Britain. He contended that they were an independent people, and that we had no right whatever to deliver them over to the Spanish yoke."

On the part of the Ministry, the Duke of Manchester and the Marquis of Carmarthen said very little more, than in support of their own personal agency, in the Treaty of 1783 and the Convention of 1786; the defence being left to the Lord Chancellor, the Champion of the administration, who left the woollack, and in a most masterly manner, answered the various arguments that had been urged in support of the motion."

He began with declaring, that "he had expected to have heard the question spoken to, with that degree of explicitness and candor that belonged to it. He had looked for more accuracy of description, in point of geographical character, than had been attempted. The Mosquito shore had been talked of as a tract of Country, extending between four and five hundred miles, without the smallest mention of the swamps and morasses with which it was interspersed, nor any allowance for the parts of it that were actually impossible to be either cultivated or inhabited. With regard to settlements, it would be imagined by those who were strangers to the fact that there had been a regular government, a regular council, and established laws, peculiar to the territory; when the fact was, there neither had existed one nor the other. His Lordship went into the history of the settlement tracing

it down from the year 1650 to the year 1777, mentioning Lord Godolphin's treaty and all its circumstances and deducing arguments from each fact he mentioned to prove that the Mosquito shore never had been fairly to be deemed a British settlement; but that a detachment of soldiers had been landed from the Island of Jamaica who had erected fortifications which had been afterwards abandoned by order of the Government at home. He instanced the transactions on the subject of the peace of Paris, in 1763, when Governor Lyttleton governed Jamaica and enlarged upon them, to shew that this Country by the Peace of Paris, had renounced whatever claim she might before that period have fancied she had a right to maintain, and had given a fresh proof of her having done so, in the year 1777, when Lord George Germaine, the Secretary of the American Department, sent out Mr. Lawrie to the Mosquito shore, to see that the stipulations of that Treaty between this Country and Spain were carried fully into execution. His Lordship enlarged very much on these particulars and after enforcing and applying them to the arguments that had been urged in defence of the motion, proceeded to notice what Lord Carlisle had said on the delicacy of questions of that sort, declaring that he had been happy to hear the matter so judiciously observed upon. His Lordship said he should have been extremely glad, if the whole grounds of the transactions could with prudence and propriety have been gone into; but as that could not be done, he must meet the matter as he found it. With regard to the degradation of the country that the 14<sup>th</sup> Article was pretended to hold out, he denied the fact. The Mosquitos were not our allies, they were not a people we were bound by treaty to protect nor were there anything like the number of British subjects there, that had been stated; the number having been, according to the last report from thence only 120 men and 16 women. The fact was we had procured (by contract, if the noble Lords pleased) a stipulation that the King of Spain would not punish those British subjects and the Mosquitos who had possessed themselves improperly of the rights belonging to the Spanish Crown, and, in consequence of such irregular possession, had persisted for a course of time, but with frequent interruption in the enjoyment of those rights. His Lordship repelled the argument that the settlement was a regular and legal settlement, with some sort of indignation; and so far from agreeing, as "had been contended, that we had uniformly remained in the quiet and unquestionable possession of our claim to the territory, he called upon the noble viscount Stormont to declare as a man of honor, whether he did not know the contrary".

The purport of Lord Stormont's answer is not given. Lord Rawdon, however defended his motion, and "produced some documents by General Dalling, when Governor of Jamaica, to prove that a superintendent had been sent over to the settlement on the Mosquito shore at that time, with a view to form a government.

The Lord Chancellor replied, that he was aware of the application for a charter, but he wished the noble Lord had mentioned the answer that was given to that application when it was made. His Lordship said, "the having sent a Superintendent over with a view to the establishment of a regular council, etc. did not by any means prove that the Government at home, had countenanced the scheme. He referred the noble Lord to what had been before stated relative to the conduct of Governor Lyttleton in 1763, and of Lord George Germaine in 1777, as an ample proof, that, let what would have been the state of the Mosquito shore, or the opinion of this country, in 1744 or 1748, the idea of settling there had been changed completely, since, and the fortifications recently abandoned and withdrawn." After some further debate (the particulars of which are not given) the question was taken and decided against Lord Rawdon's motion to condemn the Convention by a vote of fifty-three to seventeen.<sup>1</sup>

Nothing could be more fatal—not the Treaty of 1786 itself—to the pretensions set up by Great Britain for herself and the Mosquito Indians than this debate and the vote on the motion to censure the Treaty of 1786. The Lords who supported the motion of censure on the Administration for having made the Treaty, assert, it is true, that Great Britain and her ally the Mosquitos had rights before the Treaty of 1786, but admit that these rights were given up by that Treaty. This position destroys the pretensions of Great Britain both for herself and the Mosquitos of having rights there after that treaty. On the other hand Lord Thurlow in his defence of the administration, denied all claims on the part of the Mosquito Indians as well as on the part of Great Britain, except what was given by the clause relative to the Balize: his position, which was concurred in by nearly the whole House of Lords is therefore equally fatal to these pretensions of the British Government. In one view or the other, the vote of the whole House of Lords is an acknowledgment that Great Britain after 1786, had no rights whatever in Central America or in that vicinity except the limited usufruct to a small tract of country, the Balize—not claimed as a part of Central America; and that the Mosquito Indians had no sovereign rights to any territory whatever. The acts of Parliament show that Great Britain had no dominion there—none even in the Balize—and by four Treaties—three with Spain and one with the United States, (that of the 19<sup>th</sup> of April 1850,) she had precluded herself from interposing in the affairs of Central America: I therefore trust you will encounter but little difficulty in inducing her to abandon unfounded pretensions, and to respect these solemn treaty stipulations.

The whole Central American question, so far as Great Britain has seen fit to connect herself with it, is entirely confided to your management, under such instructions as you may from time to time desire, or such as the Presi-

<sup>1</sup> In the manuscript volume, at this point, appeared a reference to a footnote which stated that "This debate is found more at large in Parliamentary Register 1787, Vol. 22."

dent may consider himself called upon to furnish, in the progress of the discussions which may arise thereon.

I ought not to conclude this communication without indicating the views of the President in relation to the intervention of Great Britain in conjunction with France in the affairs of Cuba. These Powers proposed to this Government in April 1852, to enter into a tripartite Convention for guaranteeing the Spanish dominion over Cuba.<sup>1</sup> The proposition was very properly declined by this government. To this course neither England nor France could justly take exceptions; but they have conjointly expressed dissatisfaction with certain parts of the letter of my predecessor, Mr. Everett, rejecting their overture.<sup>2</sup> In a future despatch I may submit to you the President's opinions upon this joint protest, as he regards it, against some of the doctrines contained in that letter, for the purpose of having them formally presented to the consideration of the Government of Great Britain. At this time I shall only state the fact that a distinct intimation is conveyed by both England and France that they will resist the transfer of Cuba to the United States and assist Spain in case of any foreign interference in aid of the Cubans, whether openly or covertly applied,—in any attempt they may make to escape from the Spanish Yoke.

The course of England and France in sending their ships of war on to our coast during the late disturbances respecting that Island, without previous notice or specification of their object, and the supervision they claimed the right to exercise along that coast, was, (to use the mildest expression,) not respectful to this Republic. The fact cannot be disguised—that both England and France suspect the United States of a design to detach from Spain, the Island of Cuba, and appropriate it to themselves, without regard to the rights of Spain, or respect for the law of nations. Their simultaneous movement on that occasion is unquestionable evidence that they then indulged that belief. There is nothing in the history of our past course as a nation to justify such unworthy suspicions. It is true we have in the last half century greatly enlarged our territories; and so have Great Britain and France enlarged theirs; but we have done it in a manner that may proudly challenge the most rigid scrutiny of mankind. In our territorial expansion international law has been observed; the rights of others rigorously respected; nothing in short has been done to justify the slightest suspicion of rapacity. The Government of the United States is not unwilling to submit its whole public conduct in this, or indeed, in all other respects to the most scrupulous examination. But if our course had been less openly marked by honor and honest intention, England and France should reluctantly be our accusers.

<sup>1</sup> See the note from the British Minister to the Secretary of State, dated April 23, 1852, below, this volume, pt. II, doc. 2974; and see also, in vol. VI, doc. 2628, the note from the French Minister of the same date.

<sup>2</sup> For this note, which Secretary Everett addressed to the British and French ministers on the same date, see above, vol. VI, December 1, 1852, doc. 2488.

We need go no further back than to the British Orders in Council, and the Imperial Decrees of France, to show that we have been the victim of the broken law of nations—not the violators of that law:—we have not subverted ancient Governments or wrested from feeble dynasties possessions which they have held for ages, to add new dominions to our own; but every acquisition we have made has been obtained by an equivalent voluntarily accepted.

For many reasons the United States feel deeply interested in the destiny of Cuba. They will never consent to its transfer to either of the intervening nations, or to any other foreign State. They would regret to see foreign powers interfere to sustain Spanish rule in the Island should it provoke resistance too formidable to be overcome by Spain herself.

When oppression over a Colony or depen[den]cy is so severe as to excite revolt and that revolt becomes too strong to be suppressed by the power which provokes it, the oppressor has assuredly no better right to invoke foreign aid, nor any better excuse for employing it, than the victims of arbitrary misrule have to relief from the same quarter. When it was understood that Spain had applied to the allied Sovereigns of Europe for assistance to recover her revolted Colonies in America, the Government of the United States protested in emphatic terms against such a procedure; and if the protest had failed in its object this Government would undoubtedly have had recourse to other means to arrest such interference.

It is intimated though not authoritatively announced that it is the design of Spain whenever she clearly perceives that she can no longer retain possession of Cuba, to render the Island worthless to any other power at the hazard of making it a source of annoyance to this Country; and that England is disposed to concur in such a measure. Though unwilling to believe that such a scheme is entertained by Spain or could be concurred in by England yet the suggestion is not too idle to attract some attention.

We do not complain that Great Britain enforces her treaty stipulations in regard to the *emancipados* in Cuba; but if it should prove to be true that she is using her influence in furtherance of a design to fill that Island with emigrants from Africa, in order that when Spanish rule over it shall cease it may become an African Colony given over to barbarism, she ought to be conscious that she is concurring in an act which in its consequences must be injurious to the United States. Africans thus imported and held in limited servitude, and slaves now on the Island converted into apprentices, would constitute but another form of slavery and it requires the test of experiment to show how far such a substitute under the inevitable abuses which would attend it, would mitigate the evils of the present system.

Cuba, whatever be its political condition, whether a dependency or sovereign state, is, of necessity our neighbor. It lies within sight of our coast. In carrying on trade between some of our principal cities our vessels must

pass along its shore.—Intercourse with it is unavoidable.—Standing in that geographical relation, it is imperative upon us to require from it, whatever may be its condition, all the observances imposed by good neighborhood.—It must be to the United States no cause of annoyance in itself, nor must it be used by others as an instrument of annoyance.

Great Britain, which has so many reasons, for maintaining amicable relations with this country should be unwilling to hazard the interruption of them by countenancing, or concurring in any measure in regard to Cuba which, in its consequences, would be adverse to the welfare or tranquillity of this Union.

You are instructed to ascertain as fully as possible the views of the British Government in regard to Cuba, and what arrangements if any, she has entered into or contemplates with Spain, either by herself or conjointly with France, relative to that Island.

*We should very much regret that the general condition of things in Cuba or any particular occurrences there should be such as to act so powerfully upon the feelings of individuals among us as to impel them to any irregular action, and to embark, as some have done, in unlawful enterprises against that Island; but if, unhappily, that should be the case, the Government of the United States will do its whole duty to Spain, and use all the repressive means authorized by law or required by honor to restrain our citizens within the limits of duty.—In this respect Spain will have no good cause to complain or any other nation a fair occasion to intervene.*

If Cuba was more favored in her condition as the dependent of a foreign Power; if she enjoyed the political rights which have wisely been granted to Canada and other favored provinces;—if restrictions upon her foreign trade were relaxed, our Government would be much less embarrassed in maintaining our neutral relations with Spain—and speculations upon the future destiny of Cuba, either as an independent State, or in her present or any new association, would cease to be a matter of deep interest both on this and the other side of the Atlantic.

While other nations owe duties to Spain, she owes reciprocal duties to them.—At the earliest practicable period after our federal Union was formed, this Government interdicted the Slave Trade. In all sections of our Country it is regarded as an odious and wicked traffic. The Act of Congress prohibiting it has been most faithfully observed in every part of our union; but Spain though under the most solemn obligations to abstain from it, has, as there are abundant reasons to believe, connived incessantly at the infraction of these obligations, and tolerated the introduction of many thousands of African slaves annually, into Cuba. What we view with sentiments of abhorrence, and have rigidly interdicted, we do not like to see practiced at our own doors. In spite of all that has been promised by Spain, and all that has been done by other powers to suppress the Slave Trade, the possession of Cuba by Spain

favours its continuance and is a formidable obstacle to its suppression. The strong desire to have this evil remedied and the belief that it will co-exist with the Spanish rule over that Island, have contributed in no inconsiderable degree to strengthen the opinion here entertained by many individuals, that policy and humanity, alike favor its separation from a country which abuses the connection. If you should ascertain that Great Britain has entered into such engagements with Spain to uphold this connection with Cuba under any modification of it which is likely to be injurious to the United States or to the well-being of the Governments on this continent, you will have recourse to such arguments and persuasions as in your judgment will induce her to abandon them.<sup>1</sup>

2735

*William L. Marcy, Secretary of State of the United States, to Joseph R. Ingersoll, United States Minister to Great Britain*<sup>2</sup>

No. 44

WASHINGTON, July 11, 1853.

SIR: I have to inform you that Mr. Crampton having communicated to this Department the information received in a despatch from his Government that it would accede to the request of Costa Rica and New Grenada to be a joint arbiter with the United States in settling the disputes between those two States as to Boundary, the President has expressed the willingness of this Government to coöperate in that matter with the Government of Great Britain.

I am [etc.].

2736

*William L. Marcy, Secretary of State of the United States, to James Buchanan, appointed United States Minister to Great Britain*<sup>3</sup>

No. 3

WASHINGTON, July 16, 1853.

SIR: I had the honor of receiving yesterday, your N<sup>o</sup> 1 dated the 15<sup>th</sup> Instant.<sup>4</sup>

In compliance with the request therein contained I have ordered copies of all the documents in this Department in any manner relating to the Central American question, to be prepared and transmitted to you with as little delay as possible. You may rest assured that you will be kept regularly and fully advised of the policy of the President in regard to Cuba.

I am [etc.].

<sup>1</sup> The portion of the document omitted here does not pertain to inter-American affairs.

<sup>2</sup> Instructions, Great Britain, vol. 16.

<sup>3</sup> *Ibid.*

<sup>4</sup> His No. 1 is below, this volume, pt. 11, doc. 3001, but dated July 14, 1853 instead of July 15.



2737

*William L. Marcy, Secretary of State of the United States, to James Buchanan, appointed United States Minister to Great Britain*<sup>1</sup>

No. 5

WASHINGTON, July 19, 1853.

SIR: Referring to my despatch of the 16<sup>th</sup> instant,<sup>2</sup> I herewith transmit a copy of all such useful documents relating to the Central American question as the Department has since been able to collect for you on the subject.<sup>3</sup>

I am [etc.].

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> No. 3, above, this part, doc. 2736.

<sup>3</sup> Five of the nine papers, listed as enclosures, consisted of printed Senate documents and consular despatches, and are not included in this publication; but, for the other four, see British Minister Crampton's note to the Secretary of State, below, this volume, pt. II, May 19, 1853, doc. 3000; and, in notes thereto on pages 494-5, the two enclosures with that note, the first one from Lord Clarendon, British Secretary of State for Foreign Affairs, to Crampton, dated April 29, 1853, and the second one from J. D. Harding, Queen's Advocate, to Lord Clarendon, dated April 15, 1853; and see below, for the last document, a communication from Lord Clarendon to Crampton, dated May 27, 1853, found in Notes from Great Britain, vol. 30, which was apparently read to the Secretary of State by the British Minister in compliance with the instructions contained within it, and this copy left with him, since no accompanying note was found in the manuscript volume:

*Lord Clarendon, British Secretary of State for Foreign Affairs, to John F. Crampton, British Minister to the United States*

No. 36

LONDON, May 27, 1853.

SIR: As great misconception appears to prevail, not only among the people of the United States, but also among persons placed in high and responsible situations in the Government of that country with regard to the true nature of the engagements into which Great Britain entered by the convention of Washington of April 19<sup>th</sup> 1850 with respect to her present and future relations with Mosquito, and the other nations of Central America, and as that misconception, if not immediately corrected, might lead to serious misunderstanding between Great Britain and the United States, I think it highly desirable that that question should, without delay, be put upon its right footing, by a clear and distinct explanation of the view which Her Majesty's Government take of it and of the conduct which they intend to pursue with regard to it.

The article (1) in the Treaty which treats of this matter runs thus:

"The Governments of Great Britain and the United States hereby declare that neither the one nor the other will ever obtain, or maintain for itself any exclusive control over the said Ship Canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise, any dominion over Nicaragua, Costa Rica, or the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any state or people for the purpose of erecting or maintaining any such fortifications, or of occupying or fortifying, or colonizing Nicaragua, Costa Rica, or the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same."

To every stipulation contained in this article, Her Majesty's Government will faithfully adhere. They will neither seek to obtain any exclusive controul over the Ship Canal if ever formed, nor will they erect any fortification commanding, or in the vicinity of that canal; nor will they occupy, or fortify, or colonize, or assume, or exercise any dominion over any part of Central America; nor will they make use of any protection which they afford, or may afford, or any alliance which they have or may have, to, or with any State or People, for the purpose of occupying, fortifying, or colonizing any part of Central America, or of assuming, or exercising dominion over the same.

All these engagements Great Britain will religiously keep, as she does not doubt that they will be religiously kept by the United States. But Great Britain has nowhere in the Treaty of April 1850 renounced, nor ever had any intention to renounce the full and absolute right which she possesses over her own lawful Territories in Central America

2738

*A. Dudley Mann, Acting Secretary of State of the United States, to James Buchanan, appointed United States Minister to Great Britain*<sup>1</sup>

No. 7

WASHINGTON, July 30, 1853.

SIR: I have the honor to inform you that the overtures of the British Government relative to Central America, to which reference is made in your N<sup>o</sup> 3, of the 27<sup>th</sup> instant,<sup>2</sup> are presumed to have been for the most part orally delivered by Mr. Crampton to Messrs. Webster and Everett in his conversations with them on Central American affairs, inasmuch as none of these overtures are to be found on the files of this Department, if I except those contained in the enclosed copy of confidential instructions, (which you will please to regard as such,) from Lord John Russell to Mr. Crampton, under date of the 19<sup>th</sup> of January last, and in another despatch from the same to the same of the same date, a copy of which is also herewith sent.<sup>3</sup>

such as that designation was distinctly understood and declared by the negotiators of the Treaty; nor has Great Britain renounced by the Treaty the protection which she has for centuries past afforded, and still affords to the Mosquito Territory. With a view to relieve the question of the Mosquito Territory, of whatever there may be of indefinite [*sic*] about it, and to place it upon a clear and stable footing which will be equally advantageous to Mosquito itself, and to all the powers which are in any way connected with or concerned in it, Her Majesty's Government have already on many occasions within the last twelve-month made overtures of the fairest, and most liberal and practical character to the United States Government inviting that Government to go hand in hand with the Government of Great Britain, in devising and establishing a scheme of adjustment by which the affairs of Central America, Mosquito included shall be satisfactorily and permanently settled, and the honor of Great Britain, as ancient protector of Mosquito shall be preserved intact.

Her Majesty's Government are still ready and desirous at any moment to enter into friendly communication with the United States Government on this important matter; and they are of opinion that the sooner such negotiation is opened and terminated, the better it will be for all the parties concerned and the greater will be the security for the maintenance of the friendly relations which now so happily subsist between Great Britain and the United States.

But until such settlement be finally concluded it is obvious that Great Britain cannot abandon her present position with regard to Mosquito, nor can she permit either Nicaragua or Honduras to assert, and still less to attempt to establish by force of arms, over any part of Mosquito, a Right of possession which Great Britain has always denied, and still denies. And if either Nicaragua or Honduras were still to continue to make aggressions on the Mosquito Territory with that object, it must be at their own peril.

Such are the views which Her Majesty's Government entertain with respect to Central America as affected by the Treaty of Washington of the 19<sup>th</sup> of April 1850, and such is the course of conduct which Her Majesty's Government propose to pursue with respect to that country, and to the various questions which have arisen, or may arise, under the Treaty. I will however add that Her Majesty's Government have no intention of disturbing, or departing in any way from the arrangement entered into between the two Governments for the maintenance of the de facto Government and position of Grey Town.

You will read this despatch to the United States Secretary of State, and you will at the same time repeat to him the earnest desire which is felt by Her Majesty's Government to proceed throughout the whole of this matter, cordially and in the most unreserved manner, with the Government of the United States.

I am [etc.].

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> Below, this volume, pt. II, doc. 3003.

<sup>3</sup> These two communications are both below, this volume, pt. II, under the date of February 3, 1853, docs. 2993 and 2994.

I shall not be able to present you before your departure, with the views of the President on the other matters contained in your despatch;<sup>1</sup> but they will in due time be communicated to you, as also full power to conclude a Treaty with Great Britain.

The Congressional Globe and Appendix for the last session of Congress, a copy of which you are anxious to take out with you to London, will be forwarded to you at New York, in accordance with your wish.

As you have not seen the Convention for the settlement of claims between the United States and Great Britain of the 8<sup>th</sup> of February last, a copy of that Convention, as printed for the use of the Senate, is herewith transmitted to you, although the exchange of the ratifications has not yet taken place, or, if it has the Department has no advice of the fact.

I also transmit you herewith, copies of some two or three documents relating to the Central American question,<sup>2</sup> which ought to have accompanied the Department's N<sup>o</sup> 5 to you, of the 19<sup>th</sup> instant,<sup>3</sup> but which could not be procured in time to accompany that despatch.

I am [etc.].

2739

*William L. Marcy, Secretary of State of the United States, to James Buchanan, appointed United States Minister to Great Britain<sup>4</sup>*

No. 8

WASHINGTON, August 18, 1853.

SIR: I transmit to you, herewith for your information the copy of a despatch, dated the 16<sup>th</sup> of February last, from Lord John Russell to Mr. Crampton<sup>5</sup> as communicated to this Department, by the last named gentleman relative to the rejection on the part of the United States of the joint proposition which was made to this Government in April 1852 by Great Britain and France to enter into a Tripartite Convention with them for the purpose of guaranteeing the Spanish dominion over the Island of Cuba.<sup>6</sup>

I am [etc.].

<sup>1</sup> No. 3, July 27, 1853, below, this volume, pt. II, doc. 3003.

<sup>2</sup> Two of the enclosures comprising correspondence between Lord Malmesbury and Crampton are below, this volume, pt. II, under the date of July 10, 1852, docs. 2987 and 2988, but the third, a printed Senate document, is not included in this publication.

<sup>3</sup> Above, this part, doc. 2737.

<sup>4</sup> Instructions, Great Britain, vol. 16.

<sup>5</sup> See below, this volume, pt. II, under the date of April 16, 1853, doc. 2998.

<sup>6</sup> The Secretary of State's note rejecting this proposition was sent on December 1, 1852, to the British and French ministers in Washington, and is found above, vol. VI, doc. 2488.

2740

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain<sup>1</sup>*

No. 11

WASHINGTON, September 12, 1853.

SIR: Your two despatches N<sup>o</sup> 3. (July 27<sup>th</sup>) and N<sup>o</sup> 4 (August 24<sup>th</sup>)<sup>2</sup> have been received. I herewith transmit to you the President's full Power to conclude a Treaty with Great Britain in regard to the Central American questions. A copy of the despatch of Her Majesty's principal Secretary of State for Foreign Affairs to Mr. Crampton, containing the "overtures" &c., dated the 19<sup>th</sup> of January, 1853, was forwarded to you from this Department on the 30<sup>th</sup> of July last.<sup>3</sup> I do not find any other document on file in the State Department containing overtures &c., on the Central American questions; but it is probable that in the conferences between my predecessors and the British Minister, in relation to the Mosquito Protectorate and the Affairs of San Juan (Greytown,) overtures may have been suggested by him.

The general views of the President in regard to Central American Affairs were presented in the first instructions with which you were furnished.<sup>4</sup>—The President did not deem it necessary to be more explicit as to the points of difference which might arise until he was fully possessed of the views of Her Majesty's Government. The main object to be accomplished is to induce the British Government to withdraw from all interference in the political affairs of Central American States and the adjacent Islands.

It is quite evident, judging by communications received from Her Majesty's Government, particularly in regard to the difficulties at San Juan de Nicaragua, that a difference of opinion between it and the United States exists, as to the construction and effect of the Clayton and Bulwer Treaty; but how wide that difference is, and on what particular points it is raised, have not yet been very clearly disclosed. This difference will be, as the President presumes, fully known when these matters shall be brought by you under consideration of the British Government.

Your intimate knowledge of the subject in all its bearings, and of the general views of the President which are embodied in your instructions, will enable you to cover the whole American ground in opening the negotiation. How much will be conceded, and how much contested by Great Britain remains to be seen. Until points of difference are discussed, and

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> Below, this volume, pt. II, docs. 3003 and 3005.

<sup>3</sup> See under the date of February 3, 1853, below, this volume, pt. II, docs. 2993 and 2994, two communications dated January 19, 1853, from Lord Russell to Crampton, which were mentioned as enclosures in instruction No. 7 to Buchanan, above, this part, July 30, 1853, doc. 2738.

<sup>4</sup> See No. 2 to Buchanan, July 2, 1853, above, this part, doc. 2734. No. 1 contained general ministerial instructions and is not included in this publication.

views opposed to those here entertained are fully considered, the President does not deem it advisable to fix on *ultima*. These if desired in a more advanced state of the negotiation, will be furnished.

In relation to the Balize, I believe your instructions are sufficiently explicit. To the territorial extent, and for the limited uses, described in her treaty of 1786 with Spain, Great Britain has a right to continue in possession of that country. Though the United States cannot claim as a matter of right that she shall altogether withdraw from Balize, it is a very important object to prevail on her to give up that territory now regarded as of very little value. This Government is not aware that Great Britain claims to have full sovereignty over it; but, if she does, the United States would contest that claim, and regard the assertion of it as an infringement of the Monroe doctrine—a doctrine which it is the policy of the President to maintain.

I believe Great Britain has never defined the character of her claim to possess what is called "the Colony of the Bay of Islands". It does not appear to be one of her organized Colonies. She has not in explicit language, claimed sovereignty over it, though her acts have indicated such a purpose. Whatever may have been her rights or pretension to rights over this Colony they were all given up, according to the view here taken of the subject, by the Clayton and Bulwer treaty.

The President cannot conceive that Great Britain can have any plausible grounds for excepting this possession from the operation of that treaty, and he is quite sure she can allege none to which he could concede; yet he thinks it the wiser course to give her an opportunity to explain her views thereon before presenting a solemn and formal protest against her further occupancy of that colony. The President expects that you will treat this subject in such a manner as to leave no doubt on the minds of Her Majesty's Ministers that the abandonment of that Colony will be insisted on by the United States. It is presumed that the only part of that Colony to which England will be disposed to attach much value, or have any inducement to retain is the Island of Ruatan. From an intimation made to me it may be that she will take the position that this Island does not belong to any of the Central American States, but is to be regarded in the same condition as one of the West India Islands. By reference to the Treaties between Great Britain and Spain, you will find this Island clearly recognized as a Spanish possession and a part of the old viceroyalty of Guatemala.

Should an attempt be made to distinguish between this Island and the States of Central America, upon the ground above suggested it is probable that more full information than we now have in regard to that subject may be obtained from or through Mr. Molena [Molina?], the Diplomatic Representative near this Government from Costa Rica and Guatemala. On receiving an intimation from you that further information thereon may be necessary; every effort will be here made to procure and forward it to you.

A copy of the Convention of the 8<sup>th</sup> of February last<sup>1</sup> will be forwarded to you.

With this will be sent a copy of the Congressional Globe, if it can be procured, containing the debates of the last Session of Congress and the called Session of the Senate.

I am [etc.].

2741

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain<sup>2</sup>*

No. 21

WASHINGTON, December 1, 1853.

SIR: Your despatch N<sup>o</sup> 16, of the 12<sup>th</sup> Ultimo,<sup>3</sup> came to hand yesterday and was laid before the President. He approves entirely of the suggestion made by you to Lord Clarendon to place the Mosquito Indians in the same relation to Nicaragua that our own Indians sustain to the United States; since it is in strict accordance with the views of this Government on the subject, as will be seen from the following extract from the Department's instructions to Mr. Borland, under date of the 17<sup>th</sup> of June last:<sup>4</sup>

Admitting these Indians to be what the United States and Nicaragua regard them—a savage tribe, having only possessory rights to the country they occupy, and not the sovereignty of it, they cannot fairly be required to yield up their actual possessions without some compensation. Might not this most troublesome element in this Central American question be removed by Nicaragua in a way just in itself, and entirely compatible with her national honor? Let her arrange this matter as we arrange those of the same character with the Indian tribes inhabiting portions of our own territory. I think it would be proper for you to urge upon Nicaragua this view of the subject. An inconsiderable annuity secured to the Mosquitos for their right of occupancy to the country in their possession given up to Nicaragua, would, I believe, cause the British Government to abandon their protectorate over them; assurance of this is given to the United States. Such a course would not in my opinion be an acknowledgment directly or by implication, of the rightful interference by the Government of Great Britain in the Mosquito question.

The sequel of the agreement between Messrs. Webster and Crampton, about which enquiry is made by you, was an instruction to Mr. Kerr, the Chargé d'Affaires of the United States to Nicaragua,<sup>5</sup> directing him to present the agreement to the Nicaraguan Government for its assent thereto. He complied with the instruction, but the application was rejected. Mr. Walsh was also sent to the Republic of Costa Rica as a special Agent of this

<sup>1</sup> Not pertinent to this publication.

<sup>2</sup> Instructions, Great Britain, vol. 16.

<sup>3</sup> Below, this volume, pt. II, doc. 3010.

<sup>4</sup> For the whole instruction, see No. 3 to Borland, above, vol. IV, doc. 1030.

<sup>5</sup> See No. 11 to Kerr, April 30, 1852, above, vol. IV, doc. 1013.

Government with instructions to present the agreement to the consideration of the Government of that Republic.<sup>1</sup> This he did, and it was accepted by the Costa Rican Government.

The Department has no spare copy of the document containing the letter of Lord Palmerston to Mr. Castellon<sup>2</sup> asked for by you; but if you will turn to the 10<sup>th</sup> volume of Executive Documents 1<sup>st</sup> Session 31<sup>st</sup> Congress, page 304, the letter referred to may there be found.

As it regards your enquiry about the number of the Mosquito Indians, I am unable to ascertain with any degree of certainty what that number is. I am [etc.].

2742

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain<sup>3</sup>*

[EXTRACTS]

No. 29

WASHINGTON, March 11, 1854.

SIR: You are aware of the feelings which pervaded this country in consequence of the interference of England and France in the affairs of Cuba. An impression very generally prevailed that those powers have assumed to exercise a sort of protectorate over that Island and that it has been done and will be continued by agreement with Spain. In the explanations made upon this subject it was distinctly intimated that they were disposed to interpose should there be attempts by foreign aid to wrest Cuba from Spanish Dominion. The feelings which then prevailed had in some measure subsided, but they have been excited with more intensity than ever by the declarations of Lord Clarendon in a recent debate in Parliament. After speaking of the unity of policy and action of Great Britain and France, his Lordship says "the happy accord and good understanding between France and England have been extended beyond the Eastern policy to the policy affecting all parts of the world and I am heartily rejoiced to say that there is no portion of the two hemispheres with regard to which the policy of the two countries however heretofore antagonistic is not now in entire harmony." This language is here understood to be a distinct avowal of a joint supervision arranged and concerted between them over the conduct of the United States in all their foreign relations on this side of the Atlantic. To some extent it has already been exemplified in the case of Cuba and I think I have seen indications of it in the course of their ministers near this Government in regard to the Sandwich Islands. I have taken the liberty to ask each of those ministers to explain to me what objects in this hemisphere are embraced in this

<sup>1</sup> See the instructions to Walsh, April 29, 1852, above, vol. IV, doc. 1012.

<sup>2</sup> Presumably the one dated July 16, 1849, above, vol. III, p. 370, note.

<sup>3</sup> Instructions, Great Britain, vol. 16.

"happy accord" so distinctly announced, as existing between their respective countries. The answers received from them have thrown no new light on the subject.

If there be an agreement by which France has engaged to stand by and sustain Great Britain in all her pretensions with regard to the matters in dispute between the English Government and the United States it is important that it should be known to this Government. I presume the passage to which I have referred in Lord Clarendon's speech in the House of Lords has attracted your observation and it is the expectation of the President that you will endeavor to ascertain with all possible distinctness the objects in this hemisphere to which this joint policy of Great Britain and France extends. This assumed guardianship by these nations over the political affairs of this part of the world will not be acquiesced in by the United States. Something more than mere curiosity leads this Government to desire information as to its objects and character.

The last advices from the Sandwich Islands render it probable that the Hawaiian rulers with the very general acquiescence of the people will tender the sovereignty of that country to the United States.

Though this Government has done nothing to precipitate such an event yet when it perceives that the sovereign power cannot be any longer retained in the feeble hands of the native rulers, and that the people desire to come under our control, the United States will probably regard it to be their duty to accept the sovereignty of these Islands, though the act should be antagonistic to the schemes of the world-embracing policy of England and France.

Should it be one of the objects of their "happy accord" and united policy as I apprehend it is, to prevent our acquisition of these Islands with the consent of the rulers and the people, there is reason to apprehend that a collision before long may arise on this subject between those powers and this country. In connection with this subject, a fact has been recently disclosed of considerable significance. The French Government has taken open and formal possession of a group of Islands in the Southern Ocean, the principal [one] of which is called New Caledonia, and it is distinctly avowed in the Paris papers that this is done with a view to make them the seat of a new French Colony. These Islands were discovered by the celebrated English navigator, Capt. Cook in 1774, and there has not hitherto been any doubt that they belonged to Great Britain. In this season of "happy accord and good understanding" between Great Britain and France, it is not to be believed that the French Government would without the consent of its new ally, attempt to colonize these Islands, which are only about 250 leagues from the large insular possessions of Great Britain in the Southern Ocean. This permission of Great Britain to allow France to plant a colony on islands admitted to belong to the British Crown is undoubtedly one of the results of that united policy which, as Lord Clarendon avows "extends to all parts of the world". This liberality



to France contrasts strongly with the jealous watchfulness of Great Britain in which she is seconded by France over the United States in regard to their acquisition of any island possessions, either in the Atlantic or Pacific Ocean.

The condition of things in the Island of Cuba is daily becoming more and more a subject of deep solicitude to this country. There is much reason to believe that as the means of supplying the demands for labor on that Island the apprentice system, as it is called, will be resorted to. It is suspected that both Great Britain and France countenance this policy, though their representatives near this Government disavow it. The views of the President in regard to this policy are presented in your general instructions,<sup>1</sup> and I do not propose now to enlarge upon it.

We have information, though not entirely authentic, that the President of Mexico has granted to a company at Havana, for the term of five years, the privilege of exporting Indians from Yucatan to Cuba as apprentices or free laborers.

To the apprentice system, in whatever way it may be carried out, the Government of the United States are decidedly opposed, for they cannot be blind to its results— It will in the end barbarise the Island and at the same time make it an unwholesome neighbor. The process now going on of giving freedom to the *liberados*, is creating great discontent among the Cubans and threatens to disturb the internal quiet, as well as to destroy the prosperity of the Island. The Spanish authorities there appear to be more regardless, if possible, than ever in respect to our national honor and the rights of our citizens. Annoyances are more frequent than heretofore, and of a more aggravated character. Our flag is insulted and our citizens imprisoned, and wantonly deprived of their property. Information of an outrage of a very high-handed nature has just been received at this Department. One of our Steam Packets the *Black Warrior*, on her way from Mobile to New York, touched at Havana as she has done in all her trips and in every thing respecting revenue regulations did what she had done on all previous occasions, yet she was siezed and her cargo confiscated without even the pretense of any attempted fraud. The particulars of this most unjustifiable proceeding will soon reach you. The opinion very generally prevails not only in Congress but among the people that this insolent conduct on the part of the authorities in Cuba towards this country would not be hazarded by Spain if she did not confidently expect that in case of difficulty England and France will stand ready as they did on a past occasion to come to her relief. Whether they will respond to this expectation may be brought to a test before this affair of the *Black Warrior* is adjusted. . . .<sup>2</sup>

The President has read with much interest and entire approbation the views you have presented verbally and in writing to Lord Clarendon upon

<sup>1</sup> He presumably refers to instruction No. 2, July 2, 1853, above, this part, doc. 2734.

<sup>2</sup> The omitted portion relates to fishery and reciprocity questions.

the Central American questions. He is desirous to learn what effect the discussion of these questions in the Senate of the United States is likely to have upon your negotiations on that subject.

I am [etc.].

## 2743

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain*

No. 31

WASHINGTON, March 17, 1854.

[Same as instruction No. 8, of this date, *mutatis mutandis*, to Minister Mason in France, transmitting documents in relation to the Black Warrior case.]<sup>1</sup>

## 2744

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain*<sup>2</sup>

[EXTRACT]

No. 42

WASHINGTON, June 12, 1854.

SIR: The perusal of Lord Clarendon's reply to your statement in regard to Central American affairs<sup>3</sup> does not encourage hopes of a speedy adjustment of them. If the Government of Her Britannic Majesty persists in its construction of the Clayton and Bulwer Treaty, the question you suggest whether it is worth while to make treaties with it may well be considered.

I still indulge the hope that by the array of facts and arguments bearing on the questions in difference in regard to Central American Affairs, the Government of Great Britain will be induced to abandon the main positions assumed by Lord Clarendon in his statement of the 2<sup>nd</sup> Ultimo.<sup>4</sup>

This Government can never yield to the pretension that the treaty of the 19<sup>th</sup> of April, 1850, was only prospective in its operation, and that Great Britain retained the right to hold on to all she then had or now claims to have had in Central America. It was certainly our expectation that she came under obligations to the United States by that instrument to withdraw from interference in Central American Affairs, and this expectation is sustained by the language of the Treaty. There is room for a fair difference of opinion as to the position she should in future occupy in regard to Balize or British Honduras. It was not the object of the President, as you will perceive by your general instructions,<sup>5</sup> to direct you to insist that by the Clay-

<sup>1</sup> Above, vol. VI, doc. 2493.

<sup>2</sup> Instructions, Great Britain, vol. 16.

<sup>3</sup> Buchanan's statement of January 6, 1854, and Clarendon's reply of May 2, 1854, are below, this volume, pt. II, docs. 3012a and 3018.

<sup>4</sup> Below, this volume, pt. II, doc. 3018.

<sup>5</sup> He presumably refers to instruction No. 2, July 2, 1853, above, this part, doc. 2734.

ton and Bulwer Treaty she was bound to abandon the possession of the Balize. She had a right to occupy for a specific purpose a small district of country on the shore of the Bay of Honduras, but had no sovereignty over it. The character of this right, and the extent of territory to which it applied, are both clearly defined in her treaty with Spain of 1786. If this territory could be fairly considered within the limits of Central America, then the British possession of it was affected by the treaty, and this Government might consequently claim the abandonment of the British occupation and dominion over it. The assertion of the claim upon Great Britain to abandon Balize as a territory included in the treaty is embarrassed by two considerations. First, by the notes which passed between the negotiators of the treaty at the time of exchanging ratifications;<sup>1</sup> and second by the doubt as to its geographical position being within the limits of Central America.

Discovering on the part of the British Government a disposition to escape from what are here regarded as the obvious stipulations of the Treaty, the President would have you avoid embarrassing the negotiation by urging so questionable a matter as a right derived from the Treaty for the surrender of Balize. He does not therefore instruct you to insist upon applying the stipulations of the Treaty to that Territory; but you will resist the British pretension to extend it to any part of central America, or beyond the limits fixed to it in the Spanish treaty of 1786. You will also resist the British pretension to regard that territory as one of her colonies. She acquired no sovereign rights in Balize under her Treaties with Spain. Her Treaty with Mexico in 1826 only continued the limited right she had from Spain, and the very fact of treating with Mexico for the continuation of her usufruct of Balize was a clear acknowledgment that the sovereignty over it was in Mexico at that time.

While you will abstain from claiming the surrender of the possession of Balize under the Clayton and Bulwer treaty, you will resist the pretension of Great Britain to regard it as a Colonial possession with sovereign rights, or to extend it beyond the limits designated in the original grant—the Spanish treaties of 1783 and 1786.

In a commercial point of view, the possession of Balize can now be of very little value to Great Britain; and politically considered, it must be an incumbrance unless she has undisclosed objects in view. Her persistence in claiming a right to it would indicate on her part a policy of retaining in her hands the means of annoying this country, and of interrupting its intercourse with its possessions on the Pacific. If it is her sincere desire to maintain peaceful relations with the United States, she would be ready for the accomplishment of such an important object to retire from so useless a possession.

<sup>1</sup> See Bulwer's notes to Clayton dated June 29 and July 4, 1850, below, this volume, pt. II, docs. 2917 and 2918; and see Clayton's reply of July 4, 1850, to Bulwer's first note, above, this part, doc. 2709.

An attempt on the part of Great Britain to extend Balize so as to include any part of Central America will be repudiating an express stipulation of the Treaty of the 19<sup>th</sup> of April 1850.

I cannot believe that the British Government intends to hold the position that the Bay of Islands is an appendage to Balize. Should this be so, and she pertinaciously maintains it—there will be very little hope left for the success of your negotiation in regard to Central America— You have command of facts enough to drive her from this position unless there is a determination to hold it against the clearest evidence and the strongest arguments.

Ruatan can only be desirable to Great Britain as a naval and military Station and for that purpose only as it would give her great facility in affecting injuriously our interests. Should she refuse to acknowledge it as a part of the State of Honduras, and retain possession of it for herself, the United States would clearly understand her object. A predetermination to interfere with our affairs thus manifested will render the continuance of our amicable relations with her precarious.<sup>1</sup>

## 2745

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain*

No. 44— d Confidential.

WASHINGTON, June 27, 1854.

[Same as instruction No. 20, of this date, *mutatis mutandis*, to Minister Mason in France, respecting Cuba and the Black Warrior case.]<sup>2</sup>

## 2746

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain<sup>3</sup>*

No. 50

WASHINGTON, July 31, 1854.

SIR: I cannot present to you a full and correct view of the affair at San Juan de Nicaragua <sup>4</sup> without placing in your hands all the documents relating to it. They have been called for by Congress and will be sent in to day, but I cannot prepare a copy for you by the Steamer which will leave Boston day after to-morrow. It is not my purpose in this note to comment upon the transaction at San Juan, and I shall therefore only say that the case is misrepresented in the newspapers. The documents which will shortly be made

<sup>1</sup> The portion of the document omitted here relates to a fishery and reciprocity treaty.

<sup>2</sup> Above, vol. vi, doc. 2494.

<sup>3</sup> Instructions, Great Britain, vol. 16.

<sup>4</sup> See below, this part, August 8, 1854, doc. 2747, concerning this affair.

public will throw a very different light upon it. The expectations of Great Britain in relation to Greytown have been disappointed and I have reason to believe that she had abandoned all hope of raising the place to a free town. It had dwindled down to a horde of marauders and I cannot think that she will be disposed to regard it as a place under her protection. If she does we shall be prepared to meet that issue.

I am [etc.].

2747

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain*<sup>1</sup>

No. 53

WASHINGTON, August 8, 1854.

SIR: I herewith send you the documents laid before Congress relative to the late proceedings at San Juan de Nicaragua.<sup>2</sup> These documents show that Mr. Borland, our Minister to Central America, had been rudely treated at San Juan, and that the people there, or authorities, if it could be said there

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> Not included in this publication. These documents relate to the bombardment of the town by Captain Hollins of the U.S.S. *Cyane*, on July 13, 1854, after the existing authorities and people had ignored repeatedly the demands of reparation made by the United States Government for the property stolen from the Accessory Transit Company and also for an apology due to Mr. Borland, United States minister to Central America, for having held him under arrest.

The first document, a statement by Mr. Borland to the Secretary of State, and its two enclosures, report the Minister's arrest in consequence of his refusal to allow Captain Smith, charged with murder, to be arrested by the existing authorities of San Juan. Mr. Borland claimed that Captain Smith "was a citizen of the United States, and the persons who sought to arrest and claimed the right to punish him, were not recognized by the United States as a government possessed of the right, or invested with the power, to exercise jurisdiction over any portion of Central America, or to determine any question involving the persons and property of our citizens"; that the act of Captain Smith "whether criminal or not, was done within the territory of Nicaragua" . . . "some ten or twelve miles above the mouth of the San Juan River," and that he was "amenable to Nicaragua alone, if to any authority"; and that the place of his attempted arrest, Punta Arenas, was territory in dispute between Nicaragua and Costa Rica, and that therefore, "no legal process, civil or criminal, could be executed there, unless by authority of one or the other of those powers."

After Mr. Borland warned the men of the serious consequences if they attempted to arrest the Captain, they went away, and he crossed the harbor to San Juan to visit the commercial agent and was forced to stay there all night, the existing authorities preventing all boats from landing or leaving the shore. Mr. Borland thereupon succeeded in raising a contingent of fifty men to guard the lives and property of United States citizens until the government could be apprized of the state of affairs.

The other documents are chiefly reports from the commercial agent at San Juan to the Secretary of State, with their enclosures, one being the report of Captain Hollins to the Secretary of the Navy respecting the bombardment, indicating that the people of San Juan were duly notified and that those who were favorable to the United States were conveyed to a place of safety; that the British Commander in the harbor protested, but that he was informed of the absolute necessity of the proceeding; that intervals between the firing, of from three quarters of an hour to three hours, were given for the inhabitants of the town to arrange matters, but that they did not take advantage of this privilege; that no lives were lost, and that most of what remained from the bombardment of the town was burned by the Captain's orders.

For all these documents, see 33d Congress, 1st Session, Ex. Doc. 85.

were any, had prevented our citizens interested in the Accessory Company from repossessing themselves of the property which had been stolen from them and taken to that place. It was very evident that the dwellers there were becoming, or in fact had become, a horde of marauders. It was necessary for this Government to take some measure to produce a better state of things at a place which lay on one of the principal routes to our possessions on the Pacific, over which there was much travel and a large amount of gold and other property taken. Captain Hollins was sent out in the United States Ship Cyane for that purpose— Notice had been given by our Commercial Agent to the authorities, or, if none, to the dwellers there, of the allegations of misconduct against them, and what reparation this Government expected. The demands were repeated after Captain Hollins' arrival, and abundant time allowed for a reply to them. No denial of the charges was made. No explanation given, and no satisfaction tendered. No one there undertook to separate himself from the guilty persons. Under these circumstances it could hardly be expected that Captain Hollins would leave the place without inflicting severe punishment upon it. It may be thought that his proceedings were too severe. Upon this point I do not propose at this time to express a decided opinion. He and Mr. Fabens, our Commercial Agent, are both on their way to this place, and from them the Government expect more full and precise information than that contained in their official reports. Some suppose that this transaction will embroil us with Great Britain, but I do not see how that can be its result.

San Juan was not under the authority of the King of the Mosquitoes, the protégé of Great Britain, but the people there had claimed from their first political organization to be an independent community: indeed they claimed to be a sovereign power alike separated from the Mosquito authority and that of the State of Nicaragua. Should Great Britain intermeddle in this matter, you will be furnished with the views of your government thereon.

I am [etc.].

2748

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain*

No. 56

WASHINGTON, August 16, 1854.

[Same as instruction No. 26, of this date, *mutatis mutandis*, to Minister Mason in France, relating to a conference between the United States ministers to Spain, France, and Great Britain, respecting Cuba.]<sup>1</sup>

<sup>1</sup> Above, vol. vi, doc. 2495.

2749

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain*

No. 66

WASHINGTON, November 14, 1854.

[Same as instruction No. 33, of this date, *mutatis mutandis*, to Minister Mason in France, transmitting a copy of instruction No. 27 to Minister Soulé in Spain dated November 13, 1854, respecting Cuba.]<sup>1</sup>

2750

*William L. Marcy, Secretary of State of the United States, to John F. Crampton, British Minister to the United States*<sup>2</sup>

WASHINGTON, November 18, 1854.

SIR: I have the honor to acknowledge the receipt of your note of the 2<sup>nd</sup> instant,<sup>3</sup> stating that information has reached your Government that three vessels under American colors were found taking Guano from the Island of Avis [Aves?], where they had hoisted the American flag, and erected a fence round it, thereby making it appear that the Island was under the sovereignty of the United States. You also add that the Island was surveyed by order of Her Majesty's Government in 1849, and enquire whether the Government of the United States adopts the act of its citizens.—Whether it considers the Island of Avis to be in the occupation of the United States—and whether, consequently, British subjects will be precluded from taking guano from that Island.

In reply I have the honor to state that the Avis Islands must have long since been discovered, and, from their name, probably by Spaniards. Being of small extent and incapable of cultivation, they have not hitherto been claimed as the possession of any power. The existence of guano on them has no doubt been known for centuries to navigators of most nations. This article, however, has not become of commercial value until within a few years. If citizens of the United States should have been attracted thither by the present demand for it, and should as you state, have erected a fence on one of the Islands, this under the circumstances may fairly be considered as entitling them to claim the property within the enclosure as a compensation for the risks attending their enterprise. The extent of this claim must be too limited to make it an object worthy of being coveted by Her Majesty's subjects and I trust that your Government will not insist that the survey which you allege was made of one of the Islands by order of the Lords of the

<sup>1</sup> Mason's instruction is above, vol. vi, doc. 2496, and that to Soulé, below, in the volume and part containing Communications to Spain.

<sup>2</sup> Notes to Great Britain, vol. 7.

<sup>3</sup> Below, this volume, pt. II, doc. 3029.

Admiralty, in the absence of any act of occupancy or notice of an intention to occupy the Island by Her Majesty's authority, or by British subjects, pursuant to that authority, is sufficient to impair the rights which citizens of the United States have acquired there. This Government has no intention to claim dominion over any of those Islands, but would regret that the just claims of citizens of the United States in that quarter should in any manner be interfered with.

I avail myself [etc.].

2751

*William L. Marcy, Secretary of State of the United States, to John F. Crampton, British Minister to the United States*<sup>1</sup>

WASHINGTON, January 20, 1855.

SIR: I have the honor to acknowledge the receipt of your note of the 8<sup>th</sup> instant,<sup>2</sup> relative to a belief supposed to be entertained in the United States to the effect that the British and Spanish Governments have made an arrangement by which immense numbers of free negroes have been introduced into the Island of Cuba; and to acquaint you, in reply, that no formal disclaimer upon the subject has been deemed necessary by this Government.

I avail myself [etc.].

2752

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain*<sup>3</sup>

[EXTRACT]

No. 78

WASHINGTON, March 10, 1855.

SIR: I believe that Lord Palmerston, when Secretary for Foreign Affairs, at one time entertained good hopes of making Greytown a place of importance; a sort of Hanseatic Town with a free port. The character of the settlers there never warranted such an expectation. How far this delusive hope constituted an inducement on the part of Great Britain to hold on to central America in opposition as we think to Treaty stipulations can only be a matter of conjecture. I send with this copies of documents just received at this Department which show the character of the present dwellers in Greytown.<sup>4</sup> You may be able to make use of them in prosecuting the negotiation relative to Central America.<sup>5</sup>

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> Below, this volume, pt. II, doc. 3035.

<sup>3</sup> Instructions, Great Britain, vol. 16.

<sup>4</sup> He presumably refers to Wheeler's despatch No. 7 and its enclosures. An extract from that despatch is above, vol. IV, February 19, 1855, doc. 1285. The enclosures are not included in this publication. They described an attack on a party of citizens of the United States by armed men from Greytown.

<sup>5</sup> The portion of the document here omitted relates to a fishery and reciprocity treaty.



2753

*William L. Marcy, Secretary of State of the United States, to John F. Crampton, British Minister to the United States*<sup>1</sup>

[VERBAL NOTE]

WASHINGTON, May 9, 1855.

It is apprehended by the President that the arrangement as to Greytown or San Juan del Norte proposed in the note placed in the hands of Mr. Marcy by Mr. Crampton,<sup>2</sup> Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, not long since, presents difficulties which can scarcely be overcome.

It is not believed that Nicaragua can be persuaded to relinquish her claim to sovereignty over that place; and, to compel her to do so by threats or the use of force would be an act which the United States Government could not concur in or even approve.

San Juan was an old Spanish settlement, a commercial port and a fortified place—and when Spain ceased to have over it sovereign power it became as clearly a port of the State of Nicaragua as any other place within its admitted limits. Although several years ago Nicaragua was expelled from it by force she has never ceased to claim it as still under her sovereignty. To her it is an important position, and it does not seem to the United States to be right or reasonable to deprive her of it.

But assuming (though the facts do not appear to warrant such an assumption,) that the sovereignty of the place has passed from Nicaragua, it may be asked whither did it go? and where is it now?

The proposition submitted by Mr. Crampton assumes that it is now a part of the Mosquito Territory. This cannot be assented to by the Government of the United States. One reason why it cannot do so is that the United States maintain that the Mosquitoes are a tribe of Indians, and have no sovereign rights over the territory of which they are the actual occupants. Though the British Government recognizes this general principle, and applies it to the aboriginal tribes in Canada and other places, yet for reasons not clearly comprehended by the United States, it makes an exception in behalf of the Mosquito tribe. It is not proposed to discuss this question in difference between the two Governments on this point; and it is here introduced only to show that this conflict of opinion in regard to the character of the Mosquito Indians presents one serious difficulty among many others, to the acceptance of the proposed arrangement by the United States.

If it should be said that the allowance proposed to be made to the Mosquitoes may be regarded as a compensation for the surrender of their right of occupancy, the answer to it is that they are not in the possession of that

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> See below, this volume, pt. II, April 25, 1855, doc. 3039.

place. The extension of the Mosquito possession to the left bank of the San Juan River in any part of it is but a recent pretension which it is believed cannot be rightfully sustained; and as to the town of San Juan, there does not seem to be even a colorable claim to compensation for the surrender of the right of occupation; for these Indians have not had the actual possession or any right to it, since its first settlement under Spain, or before that remote period. It was not the Indian force which expelled the Nicaraguans from San Juan, nor did the Mosquitoes succeed to the possession of the place after the Nicaraguans were driven out. If it should be held that the sovereignty followed the actual possession, however wrongful that was—the Mosquitoes have not a shadow of a right to the place, for they did not actually succeed to the Nicaraguans. A band of adventurers collected at San Juan from all quarters, and of diversity of races and undertook, in 1852 to establish a free and independent Government over it. They adopted a constitution—assumed to exercise a *de facto* Government,—and repudiated all dependence upon every other State whatsoever. The Mosquitoes were as effectually excluded from any control over them or their Government *de facto* as any other power. If it could be said that Nicaragua has lost the sovereignty over San Juan, it devolved on the people who congregated there after the State of Nicaragua was forcibly disturbed in its possession thereof. There was a hope entertained at one time by Great Britain, and probably to some extent concurred in by the Government of the United States,—that a wholesome community might be established at that place, and that the interest of commerce might be promoted by this settlement; but that hope soon proved to be delusive. The class of persons then there and those who were afterwards attracted there afforded no promise of future prosperity. The civil authority fell into improper—not to say dangerous hands. Nothing was done or proposed to be done in regard to institutions essential to the well-being of society and civil rule. No elements of growth or permanence were introduced. Those who had gone thither in the expectation that the place would grow into some importance were discouraged and many withdrew—its population declined and its social condition became more and more degraded.

Were it practicable to obtain the consent of all the parties named in Mr. Crampton's note<sup>1</sup> to constitute a new independent State of the town of San Juan de Nicaragua or Greytown, with some extent of country around it added thereto—with an independent flag and a free port—who would be the Sovereigns of this new State? Certainly no others than the people now there, who have had an opportunity to establish civil authority at San Juan, and have miserably failed. A knowledge of their past conduct and their character forbids the indulgence of a hope that they are or can become capable of organizing a wholesome political community.

<sup>1</sup> See below, this volume, pt. II, April 25, 1855, doc. 3039.

These and other reasons prevent the United States from entertaining the proposition submitted in Mr. Crampton's note.

This Government regards the Town of San Juan as a part of the State of Nicaragua—and an essential part of it, and will not participate in any attempt to dismember that State by detaching from it the only important sea-port belonging to it, nor would they look with approval or indifference upon any such attempt by any other Power or combination of powers.

The object which seems to be contemplated by the proposition submitted by Mr. Crampton in behalf of his Government, is the opening of a free port at the mouth of the River San Juan de Nicaragua. To such an object the Government of the United States is not opposed provided it can be done with due respect to the rights of the Central American States, and it is willing to enter into Treaty stipulations on that subject with Nicaragua and Costa Rica. The port of San Juan should be under the control of a responsible Government; and it is believed the best chance for this result would be by the recognition of the Sovereignty of the State of Nicaragua over it, and conceding to Costa Rica such advantages as she can fairly claim to the use of the Harbor and River San Juan. If these rights were recognised, and the civil jurisdiction restored the States of Nicaragua and Costa Rica would probably be willing to make such treaty stipulations in favor of foreign commerce as would fully subserve the purposes intended by the arrangement proposed by Her Britannic Majesty's Government.

It is not expected nor would it be proposed that any arrangement which might be made with one foreign power for the facilities and advantages of its commerce at the port of San Juan de Nicaragua would be denied to any other.

It appears to the President that this arrangement is the only one which promises to remove the evils which have resulted from dispossessing Nicaragua of this important place; and affords a fair chance for establishing at San Juan a civil rule which will respect the persons and property of those who may resort to it.

2754

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain*<sup>1</sup>

No. 90

WASHINGTON, June 7, 1855.

SIR: Your despatches to N<sup>o</sup> 72<sup>2</sup> inclusive, have been duly received at this Department. It entirely approves the course pursued by you with regard to the indemnity money under the claims convention of the 8<sup>th</sup> of February 1853.

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> Buchanan's No. 72 is not pertinent to this publication.

I herewith send you the copy of a verbal note recently received from Mr. Crampton,<sup>1</sup> in which a proposition is made for the constitution of Greytown or San Juan del Norte into a free port, with a copy of my reply.<sup>2</sup> These papers comprise all the correspondence on the subject which has passed between us.

It may be proper to explain the circumstances which led to this exchange of notes. Mr. Crampton has conversed with me several times by direction of his Government, as he stated, relative to the destruction of Greytown and the claims of British Subjects for losses of property at that place. On one occasion he had a statement of these claims with the proofs to sustain them, though he did not deliver the papers to me. He spoke of the destitute condition of the people at that place and of the desire of Her Majesty's Government that something should be done by the United States for their relief. He alluded to a proposed arrangement between Great Britain and the United States for re-establishing that place, and said he would address me a note or memorandum on the subject. To this note I deemed it proper to reply in the same informal manner.

I am [etc.].

2755

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain*<sup>3</sup>

No. 93

WASHINGTON, June 16, 1855.

SIR: There is now here a gentleman from the Argentine Republic, M. Alberdi, who is on his way to Great Britain, as its Diplomatic representative to the British Government. He has explained to this Government the condition of things between the Confederation and the Province or State of Buenos Ayres. All the other States which compose the Argentine Confederation, except that of Buenos Ayres, have formed a Union, and entered into treaties of navigation and commerce with England, France and the United States. Neither by the force of arms, nor by negotiation—and both have been tried—has the Argentine Republic been able to bring the Province of Buenos Ayres to submit itself to the existing Government of the Confederation. That State persists in maintaining a position antagonistical to the other states and will probably be able to do so if she has the countenance of Foreign Powers, especially those of extensive commerce in that region.

It is represented that the object of Buenos Ayres in taking and holding such a position is, to secure to herself at the port of Buenos Ayres, the monopoly of foreign commerce to that Country. She fears that by joining the Union of the States, foreign trade will be opened on the La Plata at ports

<sup>1</sup> See below, this volume, pt. II, April 25, 1855, doc. 3039.

<sup>2</sup> Above, this part, May 9, 1853, doc. 2753.

<sup>3</sup> Instructions, Great Britain, vol. 16.

above that of Buenos Ayres. For this selfish purpose she is naturally anxious to be recognized by Foreign Powers if not as a separate State, as one entitled to control the policy of the present Confederation.

The Province of Buenos Ayres presented a protest against the acts of the remaining thirteen confederated States in entering into Treaties with the United States, Great Britain, and France. Whatever may be the professed grounds of this protest, her object must be to deprive these Powers of the benefits of their respective treaties, and to withhold from the Argentine Republic the advantages it might derive from them. This protest was presented while the treaties were in the process of negotiation, and I believe it was not regarded by either of the Powers to which it was presented. It is certain that the United States did not, but went on and completed the negotiation; the ratifications have been exchanged, and it is now considered here to be in full force.

The object of the present confederation is to secure to herself, and to give to the other parties the full benefits of the stipulations in those contracts; but Buenos Ayres is endeavoring to render these stipulations nugatory, or as little effective as possible to both parties. If such be the respective views of the Confederation and Buenos Ayres, the former is acting in accordance with the settled policy of the United States, Great Britain and France, and the latter is opposed to it: it is but reasonable, therefore, that each of these Powers should approve of the views of the Argentine Republic, and forbear to throw any obstruction in the way of carrying them out.

After due consideration, the President has determined to second as far as it may be proper the policy of the Confederation and to do nothing to uphold the present pretensions of Buenos Ayres. The treaty with the Argentine Republic and the interests of commerce indicate that course; and it is believed that both Great Britain and France will concur in it. Our present Minister in that country is accredited to Buenos Ayres and to the Argentine Republic, and Exequaturs have been granted to two or three Consuls sent by the former to the United States but this course was adopted before the exchange of the ratifications of our treaty with the Argentine Republic. The President will make a new appointment of a minister to the Argentine Republic, and it is not probable that this minister or any other will be accredited to the State of Buenos Ayres. If it is the object of the latter State to interfere with our policy of opening the La Plata and its large tributaries then this Government will do all that can be properly done to counteract her designs and sustain the views of the Argentine Republic. In such a state of things, the President would not continue a diplomatic agent of any grade at Buenos Ayres, and might determine to revoke the exequaturs which have been granted to her Consuls.

I have conversed with Mr. Crampton <sup>1</sup> on this subject, and it appears that

<sup>1</sup> British Minister to the United States.

his course is coincident to that which has been pursued by Great Britain. He believes that his Government has not sent a Minister to Buenos Ayres, or asked to have one accredited there, nor has it received her Consuls.

The President desires that you should seek an opportunity to explain to the British Government the course which he has determined to pursue towards Buenos Ayres and the Argentine Republic, (which will be somewhat varied from that adopted before the exchange of the ratification of our treaty with the Argentine Republic,) and to ascertain what that of Great Britain now is or is likely to be.

M. Alberdi, who will be in England by the time this Despatch shall be received, will desire to explain fully to you the relations between the Argentine Republic and Buenos Ayres. I commend him to your favorable notice as a gentleman well acquainted with the state of things on the La Plata. The President is satisfied that his Government is entitled, in a political and commercial point of view, to our friendly regards.

I am [etc.].

2756

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain*<sup>1</sup>

No. 104

WASHINGTON, August 6, 1855.

SIR: The President is anxious to have the questions which have been raised on the Treaty between the United States and Great Britain of the 19<sup>th</sup> of April 1850 settled or at least brought to a distinct issue before you retire from your mission. These negotiations cannot be committed to any one who so well understands the subject in all its bearings as you do, or who can so ably sustain and carry out the views of the United States.

The President has been unwilling to manifest impatience at the delay which has attended this negotiation while Her Majesty's Government was engrossed by the war with Russia, but he deems it to be but reasonable that it should now be urged to a conclusion. It is important that the United States should know the positions Great Britain is determined to maintain relative to the Central American questions.

I need not express to you the surprise the President felt on learning the views of Her Majesty's Government as presented to you in Lord Clarendon's statement of the 2<sup>nd</sup> of May 1854,<sup>2</sup> in regard to Ruatan and the other Islands, constituting what may now be looked upon as the British Colony of the Bay Islands. These views are considered by this Government as not only contrary to the Spirit, but as directly at variance with the clear language of the Convention of 1850.

After the very cogent argument contained in your able reply to that

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> Below, this volume, pt. II, doc. 3018.

statement,<sup>1</sup> the President is unwilling to believe that the positions rather indicated than maintained, by Lord Clarendon relative to Ruatan, will be adhered to. If a stipulation so explicit in terms and so clearly applicable to the Bay Islands, is to be nullified by interpretation, every other provision in that instrument, so far as it imposes obligation upon Great Britain, may, in the same way, and with equal plausibility, be defeated.

Should Great Britain refuse to withdraw from Ruatan and the other Islands on the coast of the State of Honduras, her determination, in that respect, could not but be regarded by the President as a deliberate disregard of obligations of the Treaty of 1850. The fact that these Islands are a part of Central America, is so unquestionable and the stipulations of the Convention are so directly applicable to them that there seems to be no room for raising a question of interpretation. After what was said to you by Lord Aberdeen, when at the head of the British Government, it is to be hoped that the British pretension to hold Ruatan will be abandoned. If Great Britain still persists in holding these Islands and in maintaining a colony there, her determination to that effect should be distinctly announced, so that this Government may no longer be left in doubt as to her intentions. On this point you are instructed to ask of Her Majesty's Government an explicit declaration.

If, contrary to the expectation of the President the British Government should by construction seek to avoid the operation of the Treaty, in regard to this part of Central America, it would be of very little use to ask it to respect any of the other obligations imposed by said Treaty.

The main inducement which this Government had as you well observed, for entering into this treaty was to prevent Great Britain from acquiring or exercising dominion in Central America; but this object is entirely defeated by the interpretation which the British Government proposes to give to that instrument. While the United States are excluded from occupying colonizing or exercising any dominion over any part of Central America it cannot be admitted that the same restriction is not imposed on Great Britain. You are therefore directed to declare explicitly to Her Majesty's Government, that the President after a full consideration of what is alleged in Lord Clarendon's statement of the 2<sup>nd</sup> of May 1854,<sup>2</sup> cannot entertain a doubt but that Great Britain is solemnly bound by the First Article of the Convention of 1850, not to occupy or fortify or colonize, or assume or exercise any dominion over Ruatan, or any of the Islands on the coast of the State of Honduras, known or described as the Bay Islands, and that he expects she will in fulfilment of the stipulations of that treaty abandon the possession she now holds of this part of Central America.

It would be superfluous to enlarge upon the views you have taken of the British Protectorate over the Mosquito Indians. The groundlessness of the

<sup>1</sup> Below, this volume, pt. II, July 22, 1854, doc. 3022.

<sup>2</sup> *Ibid.*, pt. II, doc. 3018.

British pretensions to exercise control or dominion in Central American Affairs under the shadow of this protectorate, is so clearly demonstrated in your remarks, in reply to Lord Clarendon's statement, as to supersede further discussion on the subject. What effort [effect?] these remarks have produced on the British Government, is not yet known. If they have received the consideration due to them, I am sure they will open the way to the peaceful adjustment of these embarrassing Central American questions.

It is not strange that Lord Clarendon should manifest some reluctance to have the foundation of the British Protectorate over the Mosquitoes explored; but the rights claimed under it, seem necessarily to have called for the examination which you have given to the subject. The result of that examination shows that the Mosquito Kingdom as a political state is in any view of it what Lord Palmerston acknowledged it to be, a mere fiction. Upon this admitted fiction Great Britain now attempts to establish a substantial sovereign power over an extensive region in Central America, and when required by the United States to withdraw from the exercise of this power in compliance with the stipulations of the convention of 1850, she endeavors to escape from her obligation to do so, by designating the dominion she exercises as a protectorate.

A protectorate necessarily implies the actual existence of a sovereign authority in the protected power, but where there is, in fact no such authority there can be no protectorate. The Mosquitos are a convenience to sustain British pretensions, but cannot be regarded as a sovereign State. Lord Palmerston, as was evinced by his remark to Mr. Rives,<sup>1</sup> took this view of the political condition of the Mosquitos, and it is so obviously correct, that the British Government should not be surprised if the United States consider the subject in the same light.

It was the confident belief of the United States that this fiction of a Mosquito Kingdom had been disposed of by the Convention but very much to their surprise it is now resorted to as the basis of a British dominion over an extensive region of Central America.

Admitting that the Convention did not require the absolute renunciation of the Mosquito Protectorate, it imposed as is admitted, restrictions upon it. After the conclusion of that Treaty it could not be used for the purpose of occupying fortifying or colonizing any part of Central America or for the purpose of assuming or exercising dominion over the same. Great Britain will not I think contend that it has been thus practically restricted since the ratification of the Convention of 1850. There is no visible power civil or military in the Mosquito Territory but that which is exercised by British subjects.

It is understood and indeed asserted by the British Government that the

<sup>1</sup> See despatch No. 3 from Rives to the Secretary of State, September 25, 1849, below, this volume, pt. II, doc. 2872.



protectorate is only used for the security of the rights of the Mosquito Indians and that it is ready to abstain from further interference in that country whenever these rights can be in a proper manner guaranteed to these Indians.

This is a question between the State of Nicaragua and those Indians with which neither Great Britain nor the United States has any business to interfere, except in friendly conference with Nicaragua.

Were this the only difficulty in carrying out the Convention of 1850, as it is understood by the U. S. I should entertain but little doubt that a satisfactory adjustment might be made of the Central American questions. I apprehend however that there will be more difficulty in inducing Great Britain to comply with the stipulations of the Treaty by surrendering the territory encroached on by his subjects between the Siboun and Sarstoon Rivers. Her claim to hold possession of this part of Central America is as groundless as her pretensions to the Bay Islands. It is difficult to conceive how the argument which you have submitted to Her Majesty's Government against this claim can be refuted. Great Britain cannot hold this territory without assuming or exercising domain over a part of Central America and this she has in a most explicit manner and in the strongest terms covenanted not to do. If she can succeed in her attempt to convert her license to cut logwood at the Balize within the limits specified by her treaties with Spain of 1783 and 1786 into a sovereign right over that Territory, and extend it so as to cover the region between Siboun and Sarstoon, she will in that way entirely destroy the mutuality of the Convention of 1850. It was the manifest intention of that instrument to exclude both of the contracting parties from holding as well as from acquiring territorial possessions in Central America. This intention was not clothed in ambiguous language but was set forth in explicit terms. The United States have bound themselves not to acquire any such possessions and Great Britain has stipulated not to assume or exercise any dominion over any part of Central America. This covenant is in no wise restricted by the explanatory note [notes?] of the negotiators of the 4<sup>th</sup> of July 1850.<sup>1</sup>

The United States have a right to insist and do insist that the possession of the British Government at the Balize shall be restricted to the limits and objects specified in the Spanish Grant and that all beyond those limits falling within Central America shall be relinquished. You are instructed by the President to urge upon Her Britannic Majesty's Government this view and to claim a compliance with it as demanded by the stipulations of the Convention of 1850. The British Government having been furnished with the views entertained by the President in regard to the obligations imposed by that Convention he expects it will be equally explicit on its part.

<sup>1</sup> See Clayton's note, above, this part, doc 2709, and Bulwer's reply of the same date, below, this volume, pt 11, doc 2918.

He does not doubt that the interest of the two Countries and the mutual desire to maintain existing amicable relations will alike inspire each party with a conciliatory spirit which will enable them to overcome all obstacles to a satisfactory adjustment.

I am [etc.].

2757

*William L. Marcy, Secretary of State of the United States, to John F. Crampton, British Minister to the United States*<sup>1</sup>

WASHINGTON, September 11, 1855.

SIR: I have had the honor to receive your note of the 1<sup>st</sup> instant with two enclosures<sup>2</sup> giving an account of the debarkation of persons in the uniform of United States Soldiers at San Juan del Norte from one of the Steamers of the Accessory Transit Company.

In reply I have the honor to acquaint you, that this government had no knowledge or intimation of the transaction alluded to until it was communicated by yourself. Enquiry into the affair was immediately made and copies of the enclosures received from you have been sent to the United States District Attorney at New York, whence the Steamer left for San Juan with instructions to investigate the transaction and if it shall appear that the laws of the United States have been disregarded, to institute judicial proceedings against the offenders.

I avail myself [etc.].

2758

*William L. Marcy, Secretary of State of the United States, to John F. Crampton, British Minister to the United States*<sup>3</sup>

WASHINGTON, October 12, 1855.

SIR: I have the honor to acknowledge the receipt of your note of the 15<sup>th</sup> of last month,<sup>4</sup> accompanied by a copy of an instruction which has been addressed by the Earl of Clarendon, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, to the Diplomatic Agents of Great Britain in certain South and Central American States expressing the dissent of Her Majesty's Government from a principle alleged to have been advanced by the Governments of those States, to the effect that the interposition of such agents for the protection of the citizens or subjects of the Country which they represent, is not a proper attribute of the diplomatic character.

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> See below, this volume, pt. II, doc. 3044, and note 2 thereto.

<sup>3</sup> Notes to Great Britain, vol. 7.

<sup>4</sup> Below, this volume, pt. II, doc. 3048. The enclosure with it, mentioned below in this note, is not included in this publication.

In answer to your inquiry whether it is the intention of this Government to take any steps in this matter, I have to inform you that I am not aware that the general principle adverted to has been directly announced to this Government by any of the American Governments. Prior to such announcement with its attendant circumstances, no definitive opinion could safely be formed as to the course which might be advisable for this Government to pursue. We shall always however, maintain our right to remonstrate with or claim indemnification from any foreign Government through our diplomatic representative accredited to that Government on account of any acts of violence which may have been inflicted by officers of that Government on the persons and property of citizens of the United States.

In cases of contract, however, between such citizens and a foreign government the terms of which may have been disregarded by the latter, it is not the practice of this Government to authorize its diplomatic representatives officially to interfere.

I avail myself [etc.].

2759

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain*<sup>1</sup>

Unofficial.

WASHINGTON, October 22, 1855.

SIR: On enquiring about my despatch N<sup>o</sup> 110, which you state in yours of the 3<sup>d</sup> instant to me<sup>2</sup> had not been received, I learnt very much to my surprise and regret, that it was the one which contained your letter of recall, and had not been sent out.

It was prepared and ready for transmission early in September, but when it was determined about the same time that you were to remain beyond the period you had fixed for leave-taking it was retained by my order, thinking it might require some modification. Finding that no change was necessary, I gave directions as I am quite confident, to have it sent to you, and had no doubt that it was sent in September. You will recollect that in a note to you in the early part of this month I stated it had been sent, and that you had probably received it before the date of my letter. Neither Mr. Hunter or Mr. Chew recollect my order to send it out after my request to delay the transmission of it, yet I can hardly believe I am mistaken in the fact that I gave such an order. Be the blame where it may, I sincerely regret the inadvertence. The steamer of Wednesday will take it to you.

Notwithstanding the intimations before given by the British Government, I was not prepared to believe that when pressed to a definitive decision, it would dare to take the ground that the provisions of the Clayton and

<sup>1</sup> Instructions, Great Britain, vol 16

<sup>2</sup> Neither one of these documents is included in this publication Their subject is indicated below in this instruction

Bulwer Treaty were only prospective in their operation, and that Great Britain yielded nothing of her pretensions in Central America. Her position in that respect raises a very serious question. The United States will never acquiesce in that interpretation of the Convention and Great Britain cannot, it seems to me, believe that this Government will do so. That she is wrong, no reasonable, calm-judging man can doubt; and the judgment of this country, and, I should think the reflecting portion of the English people, will look upon it as something more and worse than an error.

In my reply to Lord Clarendon's note to you on the enlistments, &c., which was sent off before your despatch of the 4<sup>th</sup> instant was received, I took the very grounds you suggest.<sup>1</sup> I am quite sure that his Lordship will not like my despatch, yet I do not perceive that he can find any thing in its manner or matter to which he can justly take exception. I should however think it may possibly make him less satisfied with his own note to you. It is one which does him no credit. From the course of the British Government on the Central American controversy and the recruiting scheme, I am inclined to conclude that it cares very little about maintaining cordial relations with the United States. I can discover nothing in the present condition of Great Britain or her future prospects to justify her in holding her head so high. On the contrary it does appear to me that she is affording another apt occasion for the application of the trite remark, "*Quem deus vult perdere prius dementat*".

With her, as with all others, this country desires to maintain the relations of friendship, but from her and them it claims a respect for our sovereign rights, and good faith in international compacts; and neither will be sacrificed for the sake of peace. The prospect, to my prevision, looks a little cloudy; but, as our old friend Mr. Ritchie was wont to say, "*nous verrons*".

Yours truly.

2760

*William L. Marcy, Secretary of State of the United States, to James Buchanan, United States Minister to Great Britain*<sup>2</sup>

[EXTRACTS]

No. 122

WASHINGTON, November 12, 1855.

SIR: I have received your despatches Nos. 96 and 97.<sup>3</sup> Unusual significance is attached to the articles in the "Times" and the London Post, which contain ruthless attacks on the people and Government of the United States founded on false pretences. The simultaneous assault by papers known to be now devoted to the British Ministry leaves but little room for doubt that it is done by command. The causes assigned for sending so

<sup>1</sup> This correspondence is not pertinent to this publication.

<sup>2</sup> Instructions, Great Britain, vol. 16.

<sup>3</sup> Neither is included in this publication.

large a fleet to this side of the Atlantic are well known here to be unfounded, and some of them are so ridiculous as not to allow of the charitable supposition that the British Ministers have been misled by false information. What could be more ridiculous than a pretended apprehension that Ireland is exposed to invasion by expeditions from the United States? It would surprise us to be assured that any sane man in Europe was disturbed by such idle fears. . . .<sup>1</sup>

There is now, and has been for many months, less cause to suspect any design to get up an expedition against Cuba, than there has been in any other period during several years. I do not understand that any such movement is talked of or thought of at this time, in any quarter of the Union.

What bearing this threatening language and menacing exhibition of Naval force in this quarter has upon the Central American difficulty, you can form as correct an opinion as we can here.

If the course taken by the British Government be intended, as I suspect it is, to influence our action in regard to the offenders, official and unofficial, in the British Recruiting scheme within our territories, it is, to say the least of it, illjudged. Despite menace and bluster, this Government will do in that matter what respect for our national character, and the vindication of our rights, shall, in our judgment require. If such be the covert intent of Her Majesty's Ministers, they have yet something to learn in regard to the character of the American People. The effect of the articles alluded to, coupled with the sailing of the large naval force to this region, produced upon the people of the United States will be perceived by the public press—

Your prompt demand of an explanation upon the subject from the British Government is highly approved by the President, and he is anxious to learn what explanation will be given by Lord Clarendon.

The President desires to get a reply to our demands in regard to the meddling of British Officers and Agents in the recruitments within the United States, in season to take final measures on the subject before the meeting of Congress.

I am [etc.].

2761

*William L. Marcy, Secretary of State of the United States, to John F. Crampton, British Minister to the United States*<sup>2</sup>

Private.

WASHINGTON, February 28, 1856.

MY DEAR SIR: Both Houses of Congress have passed resolutions calling upon the President for information in reference to the proposition mentioned

<sup>1</sup> The omitted portion refers to groundless suspicions that Russian privateers were being fitted out in United States ports

<sup>2</sup> Notes to Great Britain, vol. 7.

by Lord Clarendon, in the House of Lords on the 31<sup>st</sup> Ult. relative to the reference of the Central American questions to arbitration. These calls will reach the despatch you sent to me last evening. In sending it in it will be proper to do this by including a copy of your note to me which accompanied that Despatch,<sup>1</sup> unless I should hear from you by eleven o'clock tomorrow morning that such a course would not be agreeable.

Yours truly.

2762

*William L. Marcy, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>2</sup>

No. 3

WASHINGTON, February 29, 1856.

SIR: The two important matters now pending between the United States and Great Britain are, 1<sup>st</sup> the difference of opinion in regard to the construction of the Treaty of 19<sup>th</sup> April 1850. and second the question as to recruiting within the United States for the British Army by British officers and agents. As to the first it is not now perceived that discussion will be resumed. Lord Clarendon seems to have regarded some conversations between himself and Mr Buchanan as offers to submit the question in dispute to the arbitrament of a third power, but Mr. Buchanan did not look upon them in that light. His report of those conversations to this Government did not create the impression that such an offer was intended to be made to this Government. Upon the 8<sup>th</sup> instant Lord Clarendon did submit such a proposition orally to Mr. Buchanan.<sup>3</sup> Lord Clarendon also supposed that a despatch written to Mr. Crampton in November last<sup>4</sup> containing such an offer had been read by Mr. Crampton to me. But in this His Lordship was mistaken. Within the last forty-eight hours Mr. C. has communicated that despatch to me.<sup>5</sup> It was not known to the President until yesterday and I have not yet his direction as to the reply. I however do not doubt what it will be. I do not believe he will consent to arbitrate. In relation to the recruiting difficulty I do not now see that you will be required to take any step—The British Government have been requested to recall Mr. Crampton, and should there be no unreasonable delay, no further action will be taken by this Government until an answer to that request shall have been received.

<sup>1</sup> See below, this volume, pt. II, February 27, 1856, doc. 3060, and note 2 thereto.

<sup>2</sup> Instructions, Great Britain, vol. 16.

George M. Dallas, of Pennsylvania, to whom this instruction was addressed, was commissioned envoy extraordinary and minister plenipotentiary to Great Britain on February 4, 1856. He took leave on May 16, 1861. He had previously served as envoy extraordinary and minister plenipotentiary to Russia from March 7, 1837 to July 29, 1839.

<sup>3</sup> See Buchanan's despatch No. 120, February 8, 1856, below, this volume, pt. II, doc. 3057, reporting an interview between the British Secretary of State for Foreign Affairs and Buchanan, of the 6th instant instead of the 8th, on this subject.

<sup>4</sup> It was dated November 10, 1855, and is found below, this volume, pt. II, p. 636, note 2.

<sup>5</sup> See below, this volume, pt. II, February 27, 1856, doc. 3060.

There are some minor questions between the two Governments, but nothing embarrassing in their situation. The papers in the Legation will show you what they are and how they are at present situated.

I am [etc.].

2763

*William L. Marcy, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>1</sup>

Confidential and unofficial.

WASHINGTON, March 14, 1856.

SIR: I expected to have prepared a despatch for you on the Central American question in season to be forwarded by the Steamer which will leave New York tomorrow, but have not been able to do so. Indeed it is no very plain matter to settle upon the course proper to be pursued. The suggestion made in the Senate by Mr. Seward of giving notice to quit is favored by very few. Public opinion seems to be divided between annulling the Treaty of 19<sup>th</sup> April 1850, on the ground of the misconstruction and non-observance of it by Great Britain and arbitration. There is some doubt what would be the result of an attempt to get Congress to pass a law declaring it null.

There are pretty strong objections to arbitration. If arbitration should be resolved on the first difficulty springing up is what questions are to be submitted to arbitrament. Should our construction be established there would then be an end to the controversy but should it be rejected, then other and more difficult questions would arise.

1<sup>st</sup> Some definition of the Mosquito Protectorate ought to be given—British Power as now exercised is sovereign under the mask of a protectorate. This is against the spirit of the Treaty.

2<sup>nd</sup> The right of Great Britain to the Bay Islands and the extension of the Belise. We contend that if the British construction should be established by the decision of the arbitrators, she could not hold any territory in Central America of which she had an obtrusive possession at the date of the Treaty of 1850. Such was then the character of her possession, if indeed she had any, of the Bay Islands in 1850; and such also, was her possession of the region of Country beyond the limits of the Belise settlement as defined in the treaty with Spain of 1786. If the President should ultimately agree to arbitration, it would be necessary to define clearly the several points on which the arbitrators would be required to pass— I hope to be able in the course of a few days to send you the President's instructions on the Central American difficulties—

On the other important subject—the enlistment—I have now nothing to add— We are waiting to see what will be the next step by Great Britain.

<sup>1</sup> Instructions, Great Britain, vol. 16.

Until we know what that will be, I can give you no intimation what will be the action of the President in that matter.

I am [etc.].

2764

*William L. Marcy, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>1</sup>

No. 7

WASHINGTON, April 7, 1856.

SIR: Your despatch N<sup>o</sup> 2 (21<sup>st</sup> March,)<sup>2</sup> was received here on Saturday, and in order to go out with the next steamer, the reply must be sent off to day. The President has consequently had but very little time to consider the subject to which your despatch directs his attention. He regards the pretensions of Great Britain to hold the Bay Islands and establish a colony over them as one of the points of the greatest difficulty in the Central American controversy, and will most readily avail himself of any practical means of overcoming it. If you look at the instructions to Mr. Buchanan<sup>3</sup> and his presentation of the case of Central America to the British Government,<sup>4</sup> you will perceive that this Government, has always regarded the Bay Islands as a part of the State of Honduras, and the attempt of Great Britain to erect them into a Colony subsequent to the treaty of 1850 as an infringement of that treaty.

The State of Honduras has, I believe, claimed the sovereignty of these Islands since its separation from Spain. Should the British Government now yield to that claim, that point of difference in regard to the effect of the convention of 1850 would be removed; and certainly this Government could have no objection to that manner of overcoming it.

The question of sovereignty over the Bay Islands, as Mr. Squier truly says,<sup>5</sup> is primarily one between the State of Honduras and Great Britain; and should the parties submit it, as he suggests to arbitration, the result might or might not disembarass the questions pending between the United States and Great Britain. Should the decision in the contest between Great Britain and Honduras for the sovereignty of these Islands favor the pretensions of Great Britain, the United States would still say that by the stipulations of the Convention of 1850, she was bound to give up the occupancy and cease to exercise dominion over the Bay Islands, they being a part of Central America. But should the other alternative suggested by Mr. Squier be adopted—that is should Great Britain yield to the claim of Honduras,—one of the most serious obstacles to the adjustment of the Central American difficulties would be surmounted. The "*restitution of the Bay*

<sup>1</sup> Instructions, Great Britain, vol 16.

<sup>2</sup> Below, this volume, pt II, doc. 3062.

<sup>3</sup> Above, this part, *passim*

<sup>4</sup> Below, this volume, pt. II, *passim*.

<sup>5</sup> See Squier's letter to Brown, below, this volume, pt. II, p. 639, note 3.



*Islands*," as Mr. Squier calls it, to Honduras should be made on terms which do not impair the sovereignty of Honduras over them. To be satisfactory to the United States the terms should be such as not to create another Mosquito Protectorate in that quarter. What Mr. Squier means by conceding "to the actual inhabitants such municipal rights and powers as should practically constitute them an independent community very nearly on the footing of the free cities of Germany" may not be exactly understood. Whether such concessions would or would not be conformable to the views of this Government cannot be determined until they are more particularly defined. If the language implies a purpose to disintegrate those Islands from the State of Honduras it would be objectionable to the United States, but if it refers merely to commercial advantages to be equally enjoyed by all nations the United States would interpose no obstacle to such arrangement.

Without knowing more of the conditions which it is proposed to annex to the "restitution" the President cannot be more explicit than I have been in the foregoing remarks. He is very desirous to bring the unpleasant controversies in regard to Central America to an amicable close, and will readily concur in any proper measure for such a solution of them.

If the suggestions of Mr. Squier be favorably entertained by Her Majesty's Government, you will avail yourself of any proper occasion of presenting to it those of the President herein contained.

I am [etc.].

2765

*William L. Marcy, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>1</sup>

No. 13

WASHINGTON, May 24, 1856.

SIR: I am directed by the President to address you on the subject of the difference of opinion between the British Government and that of the United States regarding the construction and effect of the Convention of April 19<sup>th</sup> 1850, and the subject of Central America generally, and to state to you the views which the President entertains of that question as it now stands, in order that you may communicate the same to the Earl of Clarendon, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs.

You are aware that there has been no direct communication between the two Governments on the main subject, since the letter of your predecessor, Mr. Buchanan to the Earl of Clarendon dated September 11<sup>th</sup> 1855,<sup>2</sup> his Lordship's reply of the 28<sup>th</sup> of the same September<sup>3</sup> and a brief rejoinder by Mr. Buchanan on the 4<sup>th</sup> of the following October.<sup>4</sup>

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> Below, this volume, pt. II, doc. 3046.

<sup>3</sup> *Ibid.*, doc. 3049.

<sup>4</sup> *Ibid.*, doc. 3050.

In his letter of the 11<sup>th</sup> of September Mr. Buchanan, briefly recapitulating the conclusions at which the President had arrived on the whole case and which had been fully explained to the British Government in his previous despatches; reminded Lord Clarendon that more than a year had already elapsed without any new step being taken by the United States in the discussion from unwillingness to press the subject while the attention of Her Majesty's Government was engrossed by the War with Russia, and he proceeded to say that the President had directed him before retiring from his mission, as he was then about to do, to request from the British Government a statement of the positions which it had determined to maintain, more especially in regard to the Bay Islands, the Belize settlement and the Mosquito Protectorate.

To this communication the Earl of Clarendon replied<sup>1</sup> stating as the final opinion of Her Majesty's Government that "the Convention of April 19<sup>th</sup> 1850, was merely prospective in its operation and did not in any way interfere with the state of things existing at the time of its conclusion". He repeats this idea afterwards in other forms of expression; saying in one place, that "the British Government consider that the design of the contracting parties was not to disturb any state of things then existing["];<sup>2</sup> and in another place, that while the British Government have no wish "to extend the limits of their possessions or the sphere of their influence" in Central America they "are not prepared to contract either the one or the other, in pursuance of the interpretation of a Convention, to which interpretation they cannot subscribe".

Here, with the exception of a brief note from Mr. Buchanan to Lord Clarendon of 4<sup>th</sup> of October, 1855,<sup>3</sup> and that upon a single point only, the correspondence touching the general question has remained suspended.

It will thus be perceived that, in his closing despatch, the Earl of Clarendon desists from all further discussion of the main objects of controversy, which had previously occupied the attention of the two Governments, and rests the case upon the single position then at length definitively assumed and expressly announced of a particular hypothesis touching the construction of the Convention.

The President could not but receive this announcement with equal surprise and regret. He would indeed have been constrained to have regarded it as an abrupt and complete termination of all correspondence on the subject between the two Governments, and as imposing on this Government the painful duty of solemnly declaring that the Convention had now ceased to be obligatory on the United States but for the following expressions in the Earl of Clarendon's despatch;—

<sup>1</sup> Below, this volume, pt. II, September 28, 1855, doc. 3049.

<sup>2</sup> Quotation marks omitted in the original manuscript of this note have been inserted in brackets wherever it has been possible to check the quoted matter with the document concerned.

<sup>3</sup> Below, this volume, pt. II, doc. 3050.

The British Government share the conviction of the President of the United States, that the interests of the two Countries and their mutual desire to maintain existing friendly relations, will alike inspire each party with a conciliatory spirit, and enable them to overcome all obstacles to a satisfactory adjustment of Central American questions. The British Government see no reason why it should be otherwise.

This language on the part of Her Majesty's Principal Secretary for Foreign Affairs did have the effect of preventing the President from dismissing all hope of an amicable adjustment of the serious misunderstanding which had grown up between the two Governments. He would have been better satisfied, if, in expressing the conviction that all obstacles to a satisfactory adjustment of the controversy might with conciliatory spirit on both sides, be overcome, his Lordship had been pleased to indicate the means which in his judgment, were calculated to produce so desirable a consummation. For want of this, the President has been left to conjecture the precise idea of Her Majesty's Government. He cannot be certain that his conjecture concerning it is well founded; but he is induced, by certain collateral incidents which have occurred, to infer that it was the arbitration by a third power of the difference between the two Governments in relation to Central America.

It appears by the letter of Mr. Buchanan to this Department of February 8<sup>th</sup> 1856,<sup>1</sup> that, on a recent occasion, Lord Clarendon had stated in the House of Lords that he had offered to refer the whole question to the arbitration of any third power, and that the offer had been removed;<sup>2</sup> in consequence of which statement, Mr. Buchanan not being aware that any such offer had been formally made by the British Government, had an interview with the *Earl of Clarendon for the purpose of explanation*. In that interview Lord Clarendon stated that the original offer of which he had spoken in the House of Lords, referred to expressions he had used in conversation with Mr. Buchanan, at an early stage of the discussion on the subject of Central America, and that what he had said of a repetition of the offer was in allusion to a despatch which he had addressed to Mr. Crampton, the British Minister at Washington, and which Mr. Crampton had communicated to this Department,<sup>3</sup> and he even proceeded to recount the answer, which on that occasion, it was alleged, Mr. Crampton had received from me.

In relation to this important matter, as it has since been fully manifested, there was misconception on both sides.

In the first place, although the note to Mr. Crampton had been written so far back as the 10<sup>th</sup> of November, 1855, and in it Mr. Crampton had been expressly "instructed" to communicate it to this Department, he had neglected to do so, and it was not until a late hour in the evening of February

<sup>1</sup> Below, this volume, pt. II, doc. 3057.

<sup>2</sup> No doubt the word "removed" was inadvertently written here instead of "renewed."

<sup>3</sup> See below, this volume, pt. II, February 27, 1856, doc. 3060 and note 2 thereto.

27<sup>th</sup>, 1856, and in consequence of discussions in the Senate of the United States on the subject, that Mr. Crampton executed his instructions in this respect, and made communication of Lord Clarendon's note of the previous November.

In the second place, it had not been understood either by Mr. Buchanan, or by his Government that the suggestions of arbitration which Lord Clarendon had made in conversation with Mr. Buchanan were intended by the former as a formal proposition to that effect on the part of Her Majesty's Government. If it had been so understood, the proposition would have received at once the respectful consideration of the President.

It would be superfluous now, to dwell on the regret which the President entertains that a proposition of this nature, which Her Majesty's Government intended as a formal one, was not presented at the commencement in such a shape as to have attracted to and fixed upon it the attention of this Government.

The President has never ceased to be sincerely solicitous to preserve unimpaired the friendly relations of the two Countries, and in that spirit passing over all which there is of apparent informality in the offer of the British Government, and assuming the late communication by Mr. Crampton of Lord Clarendon's note of the 10<sup>th</sup> of November, as a definite proposition, he instructs me to make the present response to that proposition.

At the very threshold, is the question, what it is which shall be submitted to arbitration. Lord Clarendon in his letter to Mr. Crampton of the 10<sup>th</sup> of November, seems to assume that the difference between the two countries is merely of the *interpretation* of the Convention of April 19<sup>th</sup> 1850 but that is not so understood by this Government.

If, indeed, it should be determined, in any way that the American construction of that treaty is correct which is, that whatever may have been the state of things previous to its date, yet, after that, neither the United States nor Great Britain, is to hold any possessions in Central America;—that when the two Governments agreed that neither will ever [“] occupy or fortify or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America”<sup>1</sup>;—the stipulation comprehends, as to the acts enumerated, prohibition of their continuance as well as their initiation, without which there could be no effective neutralization of the American Isthmus;—if, I say, such were the agreed or settled interpretation of the treaty, then indeed, such determination would conclude all existing difference and settle it in accordance with the views entertained by the United States.

But, on the other hand, it is not easy to see, how the adverse construction, if it were adopted by an arbiter, could terminate the difference. Lord

<sup>1</sup> The writer may have intended this quotation to begin with the word “neither,” in which case an ellipsis should precede the word “occupy.”

Clarendon conceives that the treaty "was merely prospective in its operation". So it undoubtedly was, in one sense, that is its engagements only took effect at the time of its execution, and did but apply to all future time. But when he goes on to infer that the treaty "did not in any way interfere with the state of things existing at the time of its conclusion", he not only assumes a consequence which does not flow from the premises, but he also assumes a state of facts which is controverted by this Government, and the determination of which cannot derive the least aid from the interpretation which he claims for the Convention.

The Earl of Clarendon here assumes without distinctly asserting it, that at the date of the treaty Great Britain had "possessions" in Central America. The existence of such possessions, or, as he otherwise expresses it, the assumed fact of there being "portions of territory occupied" by Great Britain in Central America. The existence of such possessions, or as he otherwise expresses it, the assumed fact of their being "portions of territory occupied" by Great Britain<sup>1</sup> would appear to be what he more than once speaks of, as [""] the state of things existing, at the time of its conclusion."

But this Government does not understand that at the date of the treaty, Great Britain had any possessions, or occupied any territory, in Central America, unless the British Establishment at the Belize with its dependencies, as the same are defined by her treaties with Spain are to be considered as British possessions or territory in Central America. That is the only possible construction of the declaration exchanged between the then Secretary of State, Mr. Clayton, and the British Minister, Sir Henry Bulwer, at the time of exchanging the ratifications of the Convention.<sup>2</sup>

Independently of that cogent consideration, this Government supposes that, as a matter of mere fact "the state of things existing", in this respect at the time of the conclusion of the Convention, was a thing of indisputable notoriety.

I will not do Her Majesty's Government the injustice of presuming that when the Earl of Clarendon speaks of "possessions" of Great Britain in that quarter, or of "portions of territory occupied by it" he intends to be understood, as meaning anything but rightful possessions and rightful occupation, that is, possessions and occupation based upon the principles, and conformed to the public law, which govern the international relations of the Christian States of Europe and America.

Had Great Britain at that time any such possession or occupation in Central America? If so it must have consisted either in her relation to the Mosquito Indians or to the Belize or to the Bay Islands.

<sup>1</sup> The first portion of this sentence is obviously a repetition of the greater part of the preceding incomplete sentence.

<sup>2</sup> See Bulwer's two notes to Clayton, June 29 and July 4, 1850, below, this volume, pt. II, docs. 2917 and 2918; and see Clayton's reply of July 4, 1850, to Bulwer's first note, above, this part, doc. 2709.

First—As to the Mosquito Coast, it is not understood that Great Britain now lays claim to any "possessions" or any territory there. All she is supposed to claim is the right to protect the Mosquito Indians. It cannot be alleged by her that those Indians constitute or are competent to constitute, an independent State admissible as such into the family of sovereign powers. Nor is it pretended by Great Britain that in the name or on behalf, of these Indians, she herself can without contravention of the treaty assume or exercise, political sovereignty in any part of the Mosquito Coast. Her Majesty's Government considers itself under obligations of honor to protect the persons of those Indians, nothing more, and declares that it is ready and desirous to be relieved of that duty, in any manner which shall honorably assure the future condition of those Indians. Without entering here into discussion of the question, whether the convictions of duty thus entertained by the British Government, are well or ill founded it seems sufficient to say, that there is nothing in that branch of the subject which merits the solemnity of an arbitration by some third power, or which ought to be regarded as incapable of being settled at any moment by direct intercourse between the respective Governments of Great Britain and the United States.

Nor is it apprehended that Her Majesty's Government is disposed to claim possession either in her own name directly, or in that of the Mosquito Protectorate, of the Port of San Juan de Nicaragua. It cannot but be admitted that that port was an old possession of Spain, her right to which was<sup>1</sup> indisputable as to Vera Cruz or Panama; that she had a port of entry and a fort at or near that place, so long as she retained the sovereignty of Central America; and that then her rights of sovereignty there and of territorial possession passed to the Republic of Central America it is true that at a subsequent period and shortly before the date of the treaty now in question a British force landed at San Juan, expelled the authorities of the State of Nicaragua which then held possession of it, and retained it for a while as against that State in the name of the Mosquito Indians. It is true Great Britain afterwards relinquished the place to the so called people of Greytown; but the original taking of it was her act. That is, she, in the words of Lord Clarendon, placed "a people under her protection in possession" of San Juan. A protectorship so exercised, and in the name of such persons as the Mosquito Indians, would, it is plain, amount to practical sovereignty. If admissible under the name of protectorship for one of the contracting parties to the Convention, it would be equally so for the other, and the United States might be impelled for controlling reasons to undertake a counter protectorship of Indians or other persons in Central America. It is not supposed that Great Britain desires to enter into any such line of policy of conflicting protectorships in that quarter, or contends for any construction of the treaty leading to such consequences, and of course no difficulty between the two

<sup>1</sup> The word "as" has obviously been omitted here.

Governments is apprehended on this point any more than in regard to the general relation of the Treaty to the Mosquito Indians.

Secondly—As to the Belize, it being conceded that, in pursuance of the explanations interchanged between Sir Henry Bulwer and Mr. Clayton, Great Britain is not precluded by any stipulation with the United States, from continuing to exercise at that establishment all the rights which she acquired from Spain, it would seem, also that there is nothing in that part of the subject which it becomes the two Governments to say to the world they cannot settle by themselves. For although it is common in English books of Geography and others, to give to the Belize the appellation of British Honduras, still it is too well known to admit of dispute, that the Belize is not, and never was any part of Honduras, and Her Majesty's Government will not, it is assumed, as a matter of course, found on a mere name any pretensions of extended territory in that quarter, to the prejudice of the territorial integrity of the Republic of Honduras.

Finally there remains the question of the Bay Islands, as to which, there is more of controversy at least in appearance.

It is due to perfect frankness to say, that the act of Her Majesty's Government establishing so late as the year 1852, and in apparent contradiction to the express letter of the Convention of 1850 a Colony at the Bay Islands has left a disagreeable impression on the minds of the Government and the people of the United States.

Possessing as Great Britain does, numerous Colonial establishments in all parts of the world, many of them in the West Indies, it has not been readily seen, what inducement of interest she can have had to establish a new Colony under the peculiar circumstances of the time in the insignificant territory of the Bay Islands.

Nor on looking back beyond the fact of Her Majesty's warrant establishing the Colony of the Bay Islands and considering the state of things existing in that quarter at the date of the Convention of 1850, does this Government well see on what ground it can be maintained that Great Britain at the time had possession of the Bay Islands which would be deemed rightful either as respects her engagements with the United States, or the territorial sovereignty of the Republic of Honduras.

I do not understand the Earl of Clarendon positively to assert, that the Bay Islands are dependencies of the British settlement at the Belize. He indicates to be sure an inclination on the part of the British Government to maintain such a claim but he concedes at the same time that it is a "debatable question".

The President does not permit himself for a moment to entertain the idea that the Earl of Clarendon will insist upon any claim of right in Central America, incompatible with the most sacred respect for all stipulations of treaty, as understood by Her Majesty's Government. Of course, he looks to

see, what are the rightful sources of British title to the Bay Islands suggested by the Earl of Clarendon. He finds them in the "Statement" from the Foreign Office of May 2<sup>nd</sup> 1854, as communicated to Mr. Buchanan, and by him transmitted to this Department.<sup>1</sup>

Her Majesty's Government admits in that paper that Ruatan was claimed and militarily occupied, by the former Republic of Central America, as a successor to the rights of Spain, but asserts at the same time adverse British claim manifested by acts of authority, military and civil, and by actual possession.

Occasional acts of military authority by the Captains of British ships of war, or of civil authority by the Superintendent of the Belize, are insufficient it is obvious to determine a claim of title as against the counter claim of the Republic of Central America or the State of Honduras. No relinquishment of title by the latter is alledged, except in certain declarations reported to have been made by the Central American Commandant of Truxillo, who whatever he may have said could have had no power to cede away the territory of Honduras.

The occupation of Ruatan by British subjects as its origin and character are described in the "Statement", presents none of the conditions of rightful possession. Its language on that point is Ruatan has been of late years without any instigation on the part of Her Majesty's Government, spontaneously occupied by British subjects, without instigation on the part of Her Majesty's Government,<sup>2</sup> that is an act of mere invasion by unauthorized private persons will be perseveringly insisted upon by the Earl of Clarendon as the foundation of claim, by Great Britain to the sovereignty, or even the rightful possession of the Bay Islands.

It cannot have escaped the attention of Her Majesty's Government that the political condition of the Belize, as fixed by treaties, is not itself, one of territorial sovereignty, and therefore Great Britain never could have acquired in right of the Belize and as assumed dependencies thereof, the territorial sovereignty of the Bay Islands.

In a word, this Government believes that the Bay Islands belong to the State of Honduras, and that therefore the occupation of them, and still more their colonization, by Great Britain, are contrary to the tenor of her treaty with the United States, as being the occupation and colonization of a part of Central America.

But the British Government thinks differently and upon the question whether the Bay Islands are subject to occupation and colonization by Great Britain notwithstanding her treaty with the United States, the two Governments are at issue.

Upon this retrospect of the several points of difference between the two

<sup>1</sup> See Buchanan's despatch No. 31, dated May 5, 1854, and its enclosure of May 2, 1854, below, this volume, pt. II, docs. 3019 and 3018.

<sup>2</sup> There is obviously a repetition of thought in this sentence.



Governments, the President is not able to perceive that any useful result would ensue to either from calling on a third power, to say whether a Convention is or is not prospective in its operation, in the sense of that idea as expressed by Her Majesty's Government; for if that question should by any possibility, happen to be resolved in favor of Great Britain all the substantial points of difference between the two Countries would remain untouched, as being wholly independent of that question of construction. The dispute would still exist, as to what rightful possessions, at the date of the Convention Great Britain actually had in Central America.

And if it is now contended by the British Government, that in the name of the Mosquito Indians, Great Britain may take with military force, and hold, San Juan de Nicaragua, or any other point in Central America such a pretension would be so totally irreconcilable with all idea of the independence or neutrality of the Isthmus, as to render the Convention worse than nugatory to the United States. *Instead of submitting to arbitration a pretension involving such consequences or in any other way consenting to restore effect to the treaty with such possible construction, it would, in the judgment of the President, be his duty to propose its annulment so as to release the United States from obligations not attended by any benefits, and which obligations, thus unattended, the United States did not intentionally incur; they having entered into the treaty only upon the supposition that absolute reciprocity of restriction was incurred by Great Britain.*

I repeat if the treaty could by any possibility whatever have the construction of leaving Great Britain in the possession or military control of the Atlantic Coast of Central America in the name of the Mosquito Indians, and with power to colonize insular positions commanding it, on the ground of their having been "spontaneously" occupied by British subjects"<sup>1</sup> while the United States are restrained from all such rights of control or acquisition that in the estimation of the President would be to deprive the treaty of moral force both because it would thus cease to have reciprocal effect and because the United States did not intentionally enter into any such engagement; and if such were a possible construction of the letter of the treaty, it would be incumbent on the President to consider whether it would not then become the duty of the United States to seek for the most honorable means of being discharged from such obligations and render themselves perfectly free to reestablish their proper relation as an American Power, to the transit routes of the American Isthmus and the General Independence of America.

In fine the President cannot consent to any act which implies the existence of possible doubt on this point. The Convention of 1850, construed in the sense above supposed, would not be the treaty into which the United States entered, nor can he do anything which could be taken to admit, either di-

<sup>1</sup> Presumably the writer decided to continue the quotation beginning with "spontaneously" and forgot to strike out the closing quotation mark after that word. The words are quoted from the document of May 2, 1854, referred to above, p. 135, and in note 1 on same page.

rectly or impliedly that there is question in his mind, relative to the true construction of that convention. And he feels bound to take care, that in entertaining the present proposition of arbitration, he shall not be understood as actuated by the slightest feeling of distrust, regarding the treaty rights of the United States. But the President is not prepared to say that some of the questions of fact concerning which the two Governments differ may not be conveniently determined by arbitration or by some analogous method.

Of this class of objects of inquiry, is the question what are the rightful limits of the establishment at the Belize on the side of the State of Honduras; the question whether the Bay Islands do or<sup>1</sup> not belong to that Republic; and the question what extent of country is embraced in the term Mosquito Coast or is in the actual occupancy of the Mosquito Indians, considered as Indians, and with such territorial rights only as that description of persons are entitled to claim, according to the established public law of Great Britain, of the United States and of Spain or of the independent States which have succeeded Spain in America: remembering that no power exists on the part of Great Britain and the United States to dispose of the sovereign rights of Nicaragua or any other State of Central America.

All these questions of political geography regard, in the first instance, the sovereignty and jurisdiction of the independent States of Central America. Great Britain and the United States have no pretension thus to intervene except for the purpose of defining their own mutual obligations arising out of the engagements they have contracted, in order to assure so far as they are concerned the neutrality and the independence of the American Isthmus. Regarded only as collateral considerations affecting the construction of the treaty, between the United States and Great Britain, they are questions which if not determinable by agreement of the two Governments themselves the President would not decline to refer to arbitration.

He is aware of many practical obstacles to the adjustment of any international difference of this nature; by arbitration, of which difficulties, both Great Britain and the United States had experience, in their attempt to settle, by such means a previous controversy on the subject of the boundary between the United States and the British Provinces in North America.

The President does not doubt that any one of the Powers of Europe which should consent to undertake the task of such an arbitration as is now proposed, would perform the duty with perfect impartiality but to apply to any power to do this would be to ask of it an act which, if granted by it, would add to its own domestic duties and labors, the burden of settling complicated differences of other Governments. He would greatly prefer that in a controversy like the present, turning on points of political Geography, the matter should be referred to some one or more of those eminent men of science who do honor to the intellect of Europe and America, and who, with previous

<sup>1</sup> Apparently the word "do" was inadvertently omitted here.

consent of their respective Governments, might well undertake the task of determining such a question to the acceptance as well of Her Majesty's Government as of the United States.

You are instructed, therefore to enter into communication with Her Majesty's Principal Secretary for Foreign Affairs in relation to Central America in order to ascertain in the first place whether existing differences cannot be promptly terminated by direct negotiation and if not then to discuss the conditions of arbitration of those points of difference as to which alone this method of settlement seems requisite or applicable: it being assumed that the other points of difference would, after that, yield, as of course, to conference between the Earl of Clarendon and yourself conducted in the spirit of cordiality and frankness, which belongs to your personal relations and which is dictated by the true interests both of the United States and of Great Britain.

I am [etc.].

2766

*William L. Marcy, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>1</sup>

[EXTRACTS]

Unofficial.

WASHINGTON, June 16, 1856.

SIR: I have just received your Despatch N<sup>o</sup> 12, (30<sup>th</sup> May)<sup>2</sup> and have had only time to glance at some of the English Journals. The Persian Treaty is undoubtedly a hoax. Our Minister at Constantinople has instructions to make an ordinary Treaty of friendship commerce and navigation with Persia, but this Government is not advised that he has taken any effectual steps towards that object. The projet of the Treaty which Lord Clarendon has seen is undoubtedly a fabrication. If Mr. Spence were so inconsiderate as to negotiate such an instrument it would be instantaneously rejected by this Government.

The public mind in England seems to be moved by the recognition of the Government in Nicaragua— This act which I regarded as premature (though it seems that I was in arrear of public opinion in this country) was precipitated by the conduct of the British Government in furnishing aid to Costa Rica— The intercepted documents<sup>3</sup> satisfied the people of this Country that Great Britain was aiding Costa Rica and the other Central American Governments to "crush out" the only existing authority in Nicaragua and the object of her policy was not considered questionable.

This Government could not remain entirely inactive and see Great Britain obtain complete ascendancy in all the States of Central America. The docu-

<sup>1</sup> Instructions, Great Britain, vol. 16.

<sup>2</sup> Below, this volume, pt. II, doc. 3069.

<sup>3</sup> See Wheeler's despatch No. 46 to the Secretary of State, March 31, 1856, above, vol. IV, doc. 1333, and the enclosures in the note thereto, pp. 510-11, which are presumably the documents to which he refers.

ments sent to Congress which I presume you have seen, show very clearly that Rivas was at the head of the *de facto* Government of Nicaragua—and it is hardly questionable that his was also the Government *de jure* of that State. These documents will probably never be read in England— But after all what is the mighty offence to Great Britain? If we are independent of Great Britain, as we have supposed ourselves to have been for the last eighty years, we have a right to determine with what people we will have international relations— But she regards this measure as the first step to annexation or absorption— This is far from being clear— Is England in a condition to place herself in the judgment seat and pronounce against us an angry sentence of condemnation and invoke the nations of Europe to array themselves in hostility to us upon her suspicion that we have aggressive purposes—? The British press which is now pouring out its indignant anathemas against us for an apprehended measure which may never take place has scarcely ceased its jubilant utterances at the absorption of Oude—a kingdom ten times as large as the little State of Nicaragua— What is the ground upon which this ingulphing of the ancient Kingdom of Oude is justified? Great Britain, it is said, is the “dominant power” in India—and consequently she has a right to do what she considers to be for the best interest of every part of that country, and act in such a case with reference to the security of her Indian Empire.

If this doctrine is to serve as a justification for the conduct of Great Britain can she fairly deny us the benefit of it? are not the United States the “dominant power” of the North American Continent? Is not a safe transit across the Isthmus of vital importance to the integrity of our Union? England or rather the English press hold a language in respect to our foreign relations which implies that we are under her guardianship— She must discard this delusion. Until she does so, the international relations between the two countries will want that cordiality which is so desirable to the common interest of both. The period is approaching when the cordial friendship of this Country will probably be desirable to her. That friendship she can have on the easiest terms. We not only proffer it—but solicit it—I feel almost warranted in saying that we will even purchase it at a price which does not involve some abatement of our independence, self respect and dignity. . . .<sup>1</sup>

That Mr. Crampton misrepresented Mr. Clayton, no one here doubts. Mr. Clayton's contradiction of Mr. Crampton's statement, confirmed as it is by Mr. Crittendon and Governor Fish, establishes Mr. Crampton's inaccuracy. That he entirely misrepresented his conversation with General Cass is not less questionable— He has certainly misapprehended several conversations he had with me. Fortunately I can correct some of his errors by the Blue Book. When the disclosure of these errors will end I know not. If Lord

<sup>1</sup> The omitted portion explains why the United States had requested the recall of Mr. Crampton, the British minister to the United State

Clarendon has not misapprehended Mr. Crampton, the latter has misapprehended me in respect to the conversation I held with him on the 5<sup>th</sup> of last March— On that occasion I did express to him my individual regret at the State of things in Nicaragua—I repelled the charge which seemed generally to be believed in England that this Government was at the bottom of Walker's movement and connived at the efforts which were made in the United States to Recruit his force— I spoke of that charge as an imputation not only unfounded but injurious to the reputation of this Government—but I am quite sure I said nothing about "rooting up" Walker or joining Great Britain to procure redress for the wrong committed by him upon the citizens and subjects of the two Countries. I had before that conversation heard that the French and English Governments were sending out a Naval force to Nicaragua with a view to redress wrongs done to the subjects of both and my object was to ascertain, if I could, the truth of that report.

I have just looked at the English papers brought out by the Arabia and received here this morning—and am surprised to find that nearly all of them repudiate our construction of the Central American Treaty upon the ground that if it prevails Great Britain made a large surrender of her interests in that region wholly without an equivalent— This position is refuted by their own Blue Book containing the Central American Documents. Neither the Government or Editors seems to have looked much at that publication. The equivalent given by the United States for the surrender and an acknowledgement of that surrender are stated in Sir H. Bulwer's letter to Lord Palmerston of the 3<sup>d</sup> of Feb<sup>y</sup> 1850 (See 35<sup>th</sup> page the B. B..)

I sincerely wish that letter could find its way into some of the leading journals of England. It would satisfy even Lord Clarendon that he was mistaken in characterising the treaty as *unilateral* on the assumption that our interpretation of it prevailed—

I cannot but think that it would have been much better for the United States if Mr. Clayton had abandoned the negotiation and sent the Treaty with Nicaragua to the Senate and had it ratified.

I think that the British Government and people will discover that they have been deluding themselves in their hopes of an improvement in their relations with this country under a new administration when they read the Cincinnati platform. Judging from that platform this administration have been laggards in regard to the inaggressive policy of this country. When this improved democratic creed is received in England I shall expect to see a new outbreak of indignant reprobation at the aggressive policy of the Great Republic. If "our transatlantic cousins" had about them a number of old Asiatic Dynasties, they might imitate the example of the "mother Country" as it is the "cousins" only recognise, but the "Mother" absorbs—Before she indulges so freely in bitter reproaches it would be seemly in her to set examples which she would be pleased to see imitated.

At the hazard of rendering this communication burdensomely long, I will briefly allude to the extremely unfair manner in which the British press treat the American questions. It ignores the facts of our views of them and attempts to inflame the people by exhibiting us as putting forth exorbitant demands which are increased as they are met by concession on the part of Great Britain. Nothing could be more untrue— As to Central America what have we demanded and what has Great Britain conceded? We asked her to agree with us that a treaty stipulation *not* to occupy or to exercise dominion in any part of Central America means that she shall not occupy or exercise dominion there *in future*. To this demand she replies that she will occupy and exercise dominion over all she possessed when the treaty was made. This is all of her vaunted concession as to Central America— . . .<sup>1</sup>

Having failed in everything the question arose whether we could consistently with self-respect or without degradation continue our consent that the British Minister and some of the British Consuls who had taken a most active part in the recruiting in the United States should longer hold their official connection with this Government. Having withheld all redress for our wrongs, it was supposed that Great Britain would not hesitate to relieve us from that humiliation. Here too she is unyielding, and this Government is arraigned for its hostility to that of Great Britain because it is unwilling to have offenders against our laws for agents to keep up the friendly intercourse between the two Governments. Their future harmony and friendship required the removal of these obnoxious Agents. We asked for their recall and it has been refused. In my view of the case our demands appear to have been most reasonable; and as to concessions we have had none. What cause—what pretence has the British press to talk of our extravagant and ever-increasing demands and the successive concessions to them by Great Britain?

The conductors of the British press, cannot, I apprehend be so ignorant of the merits of the controversies with the United States as their articles would indicate. There appears to us to be on their part *suppressio veri* and *expressio falsi*.

Yours truly,

2767

William L. Marcy, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain<sup>2</sup>

No. 23

WASHINGTON, July 26, 1856.

SIR: I proceed now to communicate to you the principles by which the President desires you to be guided, and the manner in which those principles are to be applied to the definite subjects of controversy in your negotiations

<sup>1</sup> The omitted portion discusses the illegal recruitment of citizens of the United States for the British Army.

<sup>2</sup> Instructions, Great Britain, vol. 17.

with Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, for the purpose, if possible, of disposing of the questions in regard to Central America.

We assume the Convention of April 19, 1850 as the point of departure of all discussion and action. That convention having been duly concluded and ratified by the United States is binding on their good faith, and, as a part of the supreme law of this Country will be respected and sacredly fulfilled by the President until it shall be annulled or modified by another treaty or the United<sup>1</sup> shall be discharged from its mutual engagements by the nonperformance of them on the part of Great Britain.

It is not necessary for the President to say that he would now enter into such a treaty if that was a question open for his discussion. It suffices for him that the treaty exists. By the stipulations of that treaty the United States relinquished great advantages, which they had or might have obtained, by separate negotiation with the Republics of Central America. At that very time this Government was in possession of a treaty, needing only to be ratified by it, the effect of which would have been to place the United States in the complete and separate control of the proposed canal and its route. Such advantages were important to us by reason of our peculiar relation, political and geographical, to the American continent. We relinquished them on the supposition and expectation that we received some imperfect equivalents in the Treaty with Great Britain. These equivalents are the present subjects of controversy with her, and it depends, in the judgment of the President, on what shall be determined concerning them, whether the Convention is to continue to have moral authority. They are the considerations which give solidity to the stipulations and oblige the good faith of the United States.

The contracting parties declare in the body of that convention that they not only desire to accomplish a particular object, but to establish a general principle. What was that object and what that principle? On these points, all possible doubt is precluded by the explicit language of various parts of the instrument.

'The particular object' of the two Governments, as declared in the preamble, was to set forth and fix 'their views and intentions with reference to any means of communication by Ship Canal, which may be constructed between the Atlantic and Pacific Oceans, by the way of the River San Juan de Nicaragua and either or both of the Lakes of Nicaragua and Managua, to any port or place on the Pacific Ocean'. Those 'views and intentions' as to the proposed 'ship canal' thus definitely described as to place and direction, are expressed in the 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup> 5<sup>th</sup> 6<sup>th</sup> and 7<sup>th</sup> articles of the convention.

By the 1<sup>st</sup> Article, the two Governments declare that 'neither will ever obtain or maintain for itself any exclusive control over the said ship canal',

<sup>1</sup> Obviously the word "States" has been omitted here.

and that they both renounce all 'purpose of acquiring or holding directly or indirectly, for the citizens or subjects of the one any rights, or advantages in regard to commerce or navigation through the said Canal, which shall not be offered on the same terms to the citizens or subjects of the other?'<sup>1</sup>

These 'views and intentions' in regard to the particular object of the ship canal are further defined in the 5<sup>th</sup> article as being the assurance of 'the neutrality thereof, so that the canal may be forever open and free.'

Finally, in the 6<sup>th</sup> Article they announce what is 'the great design' of the convention, 'namely, that of constructing and maintaining the said canal as a ship-communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same'.

Here then is the 'particular object' of the convention, announced distinctly three times; and it is the construction and protection of the proposed ship canal, for the common benefit of mankind, completely neutralized, and with full abnegation for themselves at least, on both sides, of any separate advantage in, or exclusive control over it.

For the accomplishment of this great object, special stipulations were necessary so as to indicate more clearly the 'views and intentions' of the contracting parties in that respect.

The fundamental stipulation is that of the 1<sup>st</sup> Article,—“agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over, Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same”.

This engagement, it is obvious, constituted the essence of the whole arrangement. It would have been yielding to a delusive expectation, and laying the foundation of future difficulties to rely upon a stipulation for the neutrality of a ship canal, as between the United States and Great Britain, if either of them was to be in the military occupation, or to have political control, under whatever name or form, of the coast of Nicaragua on either ocean, or of insular positions capable in a military sense of commanding the waters adjacent to Nicaragua. The supposition of the neutrality of the canal in such circumstances would be just as absurd as to imagine that any mere words of a treaty could communicate to Great Britain and the United States equality of relation, political or military, to the Erie Canal in the State of New York, or to the Bridgewater Canal in England. There could be but

<sup>1</sup> Obviously instead of this question mark, there should have been a closing quotation mark.



little expectation that the professed objects of the convention would be obtained and preserved in good faith, unless both parties were to stand on precisely the same footing, in regard, not only to fortifications, but to colonies, occupation, and sovereign jurisdiction, in the whole of Central America.

Thus, at any rate, it was understood by the United States. We conceived this to be plain from the express language of the Convention. We understood that an agreement not to 'occupy' excluded occupation regardless of the question when commenced. And if there could be any ambiguity in the language employed, we conceived that the spirit of the treaty, and its admitted purpose were decisive of all possible doubts of that nature.

Upon this fundamental stipulation the contracting parties proceeded to raise the superstructure of the other material conditions of the convention.

By the 2<sup>nd</sup> Article the two Governments agree that, in case of war between them, the vessels of both, in traversing the canal, and in approaching it, should be exempted from blockade, detention, or capture, by either of the belligerents.

By the 3<sup>d</sup> 4<sup>th</sup> 5<sup>th</sup> and 7<sup>th</sup> articles, they agree to use influence with the Government of any state, possessing or claiming jurisdiction of the territory through which the canal was to pass, to induce the same to facilitate its construction; and they also agree to protect the persons and property employed in its construction from unjust detention, confiscation seizure, or any violence whatever, and that when completed, they would also protect it from interruption, seizure, or unjust confiscation.

By the 4<sup>th</sup> article they agree to use their good offices, whenever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the canal.

By the 6<sup>th</sup> article they engage that they will invite "every state with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance". They further agree in the same article 'that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations'. And they moreover engage that each will use its good offices to promote the settlement of any differences as to right or property in the territory through which the canal is to pass, provided any such arise between the Governments of Central America.

Such is the 'particular object' of the Convention, including 'the views and intentions' of the contracting parties for the accomplishment of that object.

But as already intimated, the two Governments in entering into this Convention, had, as they declare in the 8<sup>th</sup> and last article, a desire beyond the immediate object, and that desire was to establish a general principle. What the professed general principle is, they do not say in so many words, but they

sufficiently indicate it by proceeding to declare that "they hereby agree to extend their protection, by treaty stipulations, to any other practicable communication whether by canal or railway across the isthmus which connects North and South America, and especially to the interoceanic communications, whether by canal or railway, which are now proposed to be established by the way of Tehautepec or Panamá".

Such are the separate, specific, and substantive stipulations of the Convention: all of which you are instructed to inform the Earl of Clarendon the President stands ready to execute on the part of the United States.

When he entered on the duties of his present office, he found that Great Britain had recently, and since the ratification of the Convention, established a Colonial Government at the Bay Islands. He found that the British settlement at the Balize was in the process of being extended indefinitely into the States of Guatemala or Honduras, and that Great Britain, as the assumed protector of a small band of Indians in the State of Nicaragua, was continuing to assert, in their name, an authority which, whatever it might be in form, was in substance absolute dominion over the entire Atlantic coast of the three Central American States of Honduras, Nicaragua, and Costa Rica. All these acts were in his judgment, palpable infringements of that primary and all essential stipulation of the Convention which excluded both Governments from the occupation of any part of Central America. It became his imperative duty in the first instance, and before making or entertaining any proposition for the execution of the Treaty in other respects, to call on Great Britain to execute it in this the foundation of all its other stipulations.

You are aware of the progress and termination of the negotiations which ensued. After protracted discussion between the Earl of Clarendon and your predecessor touching the nature and justice of the pretensions of Great Britain in Central America, the negotiation was abruptly cut off by the declaration of Lord Clarendon that the British Government, regarding the stipulations of the treaty in the disputed matter as prospective only, declined to continue further discussion of the main question, the true interpretation of the convention, but at the same time, he intimated that the difficulty might still, by means not distinctly stated, be susceptible of amicable adjustment.

My communication to you of the 24<sup>th</sup> of May last<sup>1</sup> was the consequence of this intimation. The President assumed that the means of adjustment hinted at by the Earl of Clarendon were a reference of the subject to some third party, as arbitrator between the two Governments: which solution of the question under suitable limitations and conditions, he signified his willingness to adopt, but with the expression of a hope, at the same time, that on resumption of the subject in a friendly spirit, it might be disposed of by direct negotiation between yourself and the Earl of Clarendon.

<sup>1</sup> Above, this part, doc. 2765.

I am led to believe that the considerations suggested in that communication have satisfied His Lordship that his hypothesis of the prospective character of the stipulation as to occupation is, after all, not one of decisive consequence, since even if it were admitted, the great question would still remain whether England had any rightful possessions in Central America at the date of the Convention, and, if so, what was the character of them; and that question, among others, has, from the beginning been presented by the United States.

Meanwhile, the President continues to entertain the views concerning the true construction of the convention which have been heretofore communicated to your predecessor and yourself. He remains after a careful retrospect of the whole discussion, fixed in the conviction that Great Britain had not, at the date of the convention, any rightful possessions in Central America, save only the usufructuary settlement at the Balize, if that really be in Central America; and at the same time, that if she had any, she was bound by the express tenor and true construction of the Convention, to evacuate the same, so as thus to stand on precisely the same footing in that respect as the United States. You will therefore persist unwaveringly in the maintenance of these views whenever the occasion requires their assertion.

It is not apprehended, however, that there will be occasion for any extended discussion of these points. It seems probable that a satisfactory adjustment may be reached more easily without than with an elaborate argument of the old points of controversy. If any of them require to be discussed anew, the archives of the Legation will afford you ample materials for that purpose. I hasten therefore to state, with but two preliminary remarks the bases on which the President is prepared to settle the pending controversy with Great Britain.

My first prefatory observation is this: The United States regard it as an established principle of public law and of international right, that when a European Colony in America becomes independent, it succeeds to the territorial limits of the Colony as it stood in the hands of the parent country. That is the doctrine which Great Britain and the United States concurred in adopting in the negotiations of Paris, which terminated this country's war of Independence. It has been followed by Spain and Portugal in regard to their former Colonies in America and by all those Colonies as between one another and the United States. No other principle is legitimate, reasonable, or just. When a Colony is in revolt, and before its independence has been acknowledged by the parent Country, the colonial territory belongs, in the sense of revolutionary right, to the former, and in that of legitimacy, to the latter. It would be monstrous to contend that in such a contingency, the colonial territory is to be treated as derelict, and subject to voluntary acquisition by any third nation. That idea is abhorrent to all the notions of right, which constitute the international code of Europe and America.

And yet the assumption that pending a war of colonial revolution, all territorial rights of both parties to the war become extinguished, and the colonial territory is open to seizure by any body, is the foundation of most of the disputed pretensions of Great Britain in Central America. Her pretensions are the more untenable in this respect in consideration of the fact of her amicable relations with both parties during the whole period of the war between Spain and her Colonies. As between her and Spain, she was bound by treaty upon treaty to respect the territorial rights of Spain in Central America, according to which treaties, Great Britain distinctly renounced all territorial claims in that quarter, including, either by express mention or unequivocal reference, the Belize, the Bay Islands, the Mosquito Indians, and the small district of their actual occupancy in Nicaragua. Great Britain could not, in any period of time subsequent to the year 1814 touch either of these points without infringing her treaty engagements to Spain. On the other hand, if, during that period, she treated the Central American Republics as independent States, she was equally bound to respect the territorial sovereignty which if it did not belong to Spain, belonged to them. In either point of view no part of it could be taken by Great Britain without usurpation of the rights in litigation between Spain and Central America, and appertaining incontestably either to Spain or Central America.

My second prefatory observation is this. The United States regard it as an equally well established principle of public law and of international right, that no tribe or nation of Indians on the American continent can be treated as a sovereign State, people or independent power; but each and every one of them is, by the public law of Europe and America, the subject of some European Government or of some American Government, the successor of a European Government, within whose territorial limits such tribe or nation of Indians may happen to be. No third power can lawfully enter into political relation with any such tribe. The United States may as well undertake to maintain and hold political relation with the County of Galway in Ireland, or the Shire of Perth in Scotland, as for England to maintain or hold such relation with any tribe of American Indians outside of her own Colonial possessions in America.

We the United States, grew up as Colonies of England in the possession of this elementary doctrine of the public law not only of England herself, but of Spain, Portugal, France, and of every other European Government having possessions in America. I refer to the cases<sup>1</sup> with which you are familiar adjudicated in the Supreme Court of the United States, in which this subject has been discussed, for the proof that this doctrine is no revolutionary innovation or modern invention of the United States, but that we received it complete in all its parts and relations, in common with representative institu-

<sup>1</sup> An asterisk at this point indicated the following footnote: "(Johnson vs. M<sup>c</sup>Intosh, VIII Wh. p 543.; Mitchell vs. the United States, IX Peters p. 711; Cherokee Nation vs. State of Georgia V [Peters], p. 1; Worcester vs. State of Georgia, VI Peters p. 515)."

tions, trial by jury rights of property and all the rest of the muniments of public and private law, at the hands of Great Britain herself.

It has heretofore on several most important occasions, been the province of the United States to discuss this question with England, and to have the principle distinctly admitted by her. That occurred in the negotiations of Paris, when the territorial sovereignty of the United States was first formally acknowledged by Great Britain; it occurred in the subsequent supplemental negotiations during the administration of President Washington; and, finally during the negotiations at Ghent, when the British Ministers, urging as the Earl of Clarendon now does in the case of the Mosquito Indians, ancient ties of obligation, proposed that the United States should admit British protection of certain tribes of Indians, within our limits, the American Ministers replied that sooner than concede for a moment any such pretension, they would break off, at once, all further negotiation, and counsel the United States to proceed in the prosecution of the war. Whereupon, that pretension was abandoned by the British Commissioners. I refer you to those negotiations for more full statement of the unalterable conviction and policy of the United States in that respect.

It is by keeping the eye steadily directed to these two great principles of public law, and by following the light which they afford, and in no other way, as the President conceives, can the present question between the United States and Great Britain be honorably and amicably adjusted.

We see, in the first place, that England can have no rights of possession or jurisdiction in Central America, except such as her treaties with Spain of 1786 and 1814 accord to her, or except such as she may have acquired by voluntary concession from some one of the Republics of Central America. Anything beyond that will be incipient conquest only, not yet consummated into full right, by treaty recognition.

We see in the second place, that all the matters in dispute between the United States and Great Britain are primarily questions of the sovereign rights of some one of the Republics of Central America. We cannot give to Great Britain, nor she take from us that which neither has to concede. Either of us may agree with the other not to claim anything in Central America, but neither can legitimate any claim of the other there. And if either of us having asserted claim there, is to relinquish the same under conditions, the ultimate decision of those conditions appertains solely to the interested Republic of Central America. We may separately, or in common, use our good offices with such Republic to influence its determination, but we cannot of ourselves make the determination.

Thus we arrive by incontrovertible deduction from the settled principles of public law controlling the subject matter, to one of the leading stipulations of the convention, which is, that both Governments will use whatever influence they respectively exercise with any state, possessing or claiming to possess

jurisdiction or right over the territory which the proposed canal shall traverse, or the waters adjacent thereto, which may be called for by the exigencies either of the construction or neutral use of said canal; and also that we will jointly and severally employ our good offices with any such state, to promote the settlement of any differences of right or property in said territory:—in order, as the convention proceeds to say, "to strengthen the bonds of friendship and alliance which exist between the contracting parties."

Acting under the influence of these high inducements, the President directs you to proceed upon the following premises, in reference to the specific points of controversy.

1. The Mosquito Indians.—These persons, it is understood, have no actual occupancy or right of occupancy, save in a very limited district, within the bounds of the undoubted sovereignty of the Republic of Nicaragua. Claims have, indeed been preferred, in their behalf extending northwardly and westwardly into Honduras, and eastwardly into Coast Rica and even New Granada; but it is not supposed that any such claims are seriously persisted in at this time. It is a question therefore of the rights of Nicaragua.

The President proposes in execution of the convention, that the United States and Great Britain use their influence and employ their good offices with the Republic of Nicaragua, to induce that Government to enter into arrangement with the Mosquito Indians for the ascertainment and fixation of proper limits of occupancy for them and for their personal protection in the enjoyment of municipal rights within such territorial reservation and with payment to them, of proper indemnity in cash or in annuities, and with regulation of private land grants, on the precise principle and substantially in the same manner which we ourselves observe and follow in our daily transactions with the Indians subject to the United States.

The President cannot, himself, admit as true, and therefore cannot under any possible circumstances advise the Republic of Nicaragua, to admit that the Mosquito Indians are a state or a Government any more than a band of Masoons<sup>1</sup> in the Island of Jamaica, are a State or Government; neither, of course, can he admit that any alliance or protective connection of a political nature may exist for any purpose whatever, between Great Britain and those Indians.

But the Earl of Clarendon alleges that ancient ties of this nature do in fact exist. I had supposed that the relations referred to had their origin in the Buccaneer practices and system of smuggling of the sixteenth and seventeenth centuries, and that they could confer no rights or impose any obligations on Great Britain as a Government. I had also supposed that the treaty of 1786 between Great Britain and Spain had disposed of that point, it containing stipulations by which Great Britain renounced its connection with the Mos-

<sup>1</sup> This word is presumably an inadvertent spelling of the word "maroons."

quito Indians by name, and they were in consideration of that fact admitted to pardon by the King of Spain.

I apprehend that the point of honor, which labors in the mind of the Earl of Clarendon, arises out of the fact of these relinquished pretensions regarding the Mosquito Indians having been without due reflection revived in modern times.

While the President desires you to be possessed of his views on this point he does not wish to have them urged by you unnecessarily, or at any time so presented, either in substance or manner, as to obstruct the negotiations. They are communicated to you, first, because in the judgment of the President they constitute the truth of the case, and in the second place, in order to secure a careful avoidance either in the correspondence, or in any treaty which may be made, of any admission express or implied, to the contrary on the part of the United States.

What the President proposes to have done in this respect, is not to concede any principle, but only to make an arrangement which under proper guaranties on the part of the United States and Great Britain, will, as a mere fact, accomplish by *unexceptionable means*, everything which the latter has declared that it feels bound in honor to do for the personal protection of the Mosquito Indians.

2. San Juan de Nicaragua. The questions on this point are somewhat connected in fact with those of the Mosquito Indians, because the original seizure of San Juan was made by Great Britain in the name of or for the Mosquito Indians, and the Municipality of Greytown (so named as it is understood after the existing Governor of Jamaica) professed to exist under the authority and the flag of the Mosquito Indians. But the occupancy of those Indians never in fact reached to San Juan. If it had done so, it never could have constituted the groundwork of municipal or political organization there. The very idea of a commercial seaport is totally incompatible with the tribal condition and the habits of American Indians. The ascription of the title and state of King to the petty chief of a petty band of such Indians, can with difficulty be reconciled to any respectful consideration of Royalty as an institution of Government. Solemnly to crown such a person as King has an air of mockery rather than of dignified earnestness. At any rate, no rights of Sovereignty can reside in such a person. Of course, the President cannot admit that the Mosquito Indians have any rightful connection whatever with San Juan de Nicaragua. And they will cease to have any such connection in fact so soon as their case shall have been disposed of in the manner already suggested.

There will remain as to San Juan the question of limits betwixt Nicaragua and Costa Rica touching both the river and the harbor, and the question of the future political condition of the port of San Juan.

The Convention engages the United States and Great Britain to a definite

line of action on each of those points. They stipulate to exercise their influence and employ their good offices to promote the settlement of all such differences between Costa Rica and Nicaragua. They also stipulate to use their good offices to procure the establishment of a free port at each end of the proposed canal; and that stipulation was designed, unquestionably to cover the case of San Juan del Norte.

In regard to each of these points you are instructed to say that the President is prepared to enter into such arrangements as the treaty contemplates, and to employ the good offices of the United States with the Republics of Nicaragua and Costa Rica, in order to accomplish the proposed objects.

3. The Bay Islands. That, indubitably, is a question of the sovereign rights of the Republic of Honduras, to be disposed of by negotiation between her and Great Britain, in which negotiation the United States are bound by treaty to employ their good offices with Honduras.

The President assuming that the Bay Islands belong of right to Honduras, conceives that it would be most honorable and proper on the part of Great Britain to restore the possession of them to Honduras. If, however, the interests of the actual inhabitants of the Bay Islands, or any consideration appertaining to the construction of a new interoceanic route by the way of Honduras, should require the restoration of the Bay Islands to be accompanied with conditions, the President is prepared, in candor and in good faith, and in the spirit of perfect amity towards both of the parties in direct interest, to take such conditions into consideration in behalf of the United States.

The President, however, cannot entertain any proposition in this relation which admits the exercise by Great Britain, directly or indirectly, of any sovereign power in the Bay Islands. Its existence in any form constitutes in his estimation a positive infraction of the treaty. He desires that on all proper occasions, you will courteously, but firmly, insist on this point. I shall despair of a successful termination to the negotiation if it shall be found that Great Britain insists upon claiming and retaining the sovereignty of these Islands, or if she in any character, is to continue to hold possession of them. Such a possession on her part is inconsistent with the main object of the Convention as acknowledged by both parties the complete neutralization of the Isthmus—and an infringement of one of its express stipulations as we interpret that Convention.

4. The Balize. It is the indisputable fact that England possesses no other treaty rights at the Balize except the usufruct conceded by Spain, and which so late as the year 1826, the British Government deemed it important to have confirmed to England by the Mexican Republic, as the presumed sovereign, at that time, of the country in which the settlement of the Balize exists.

It is understood that Gautemala contests the claim of the Mexican Repub-



lic in this respect; and it may be that the precise limits of the two Republics on that side are undetermined. However that may be, it is certain that the appellation of Honduras commonly applied in England to the settlement of the Belize is a misnomer originating perhaps in local projects of aggrandizement.

By the correspondence exchanged between Sir Henry Bulwer and Mr. Clayton, the negotiators of the Convention of 1850, it was declared that, according to their understanding, the stipulations of non-occupation made by Great Britain, were not intended to apply to the Balize.<sup>1</sup> Whatever weight this correspondence may have as a contemporaneous exposition of the Convention, it cannot in the judgment of the President, be held to operate as an *enlargement* either of the limits or the jurisdiction of the British settlement at the Balize.

As to the limits of that settlement on the South, it must be a question either of the rights of Guatemala or of those of Honduras, while the question of the political tenure of that settlement would seem to belong to Guatemala, or to the Mexican Republic. Of course, in the spirit of the Treaty, the President is prepared to exert the influence of the United States with either of those Republics to assist in promoting the adjustment of those questions in a satisfactory manner.

In a commercial or political point of view it is not of very much moment to the United States, whether the British tenure at the Belize be enlarged or not; but it is in a military point of view, a thing of importance alike to the Central American States, to the Mexican Republic and to the United States.

Nevertheless if serious obstacles occur to obstruct the negotiation on other points either of interest or feeling, the President might consent that you should, in the last resort, make concessions on this point, as the means of reconciling Great Britain to other acts which she may be disposed to regard as concessions to the United States.

There is one other subject which is of more eventual than present consequence, concerning which it may nevertheless, be proper that you should be informed, because it may by possibility enter into the discussion of the preceding matters.

I allude to the fact, that, by the treaty between the United States and the Republic of New Granada of December 12, 1846, the United States enjoy certain special privileges, and are bound to certain duties of protection in respect to the interoceanic route by the way of Panama. I refer you to that treaty for the full understanding of the scope and effect of the stipulations in question.

In the treaty between the United States and the Mexican Republic of December 30, 1853, you will find stipulations not of the same precise extent

<sup>1</sup> See Bulwer's two notes to Clayton, June 29 and July 4, 1850, below, this volume, pt. II, docs. 2917 and 2918; and see Clayton's reply to Bulwer's first note, July 4, 1850, above, this part, doc. 2709.

and effect, but of somewhat similar character with regard to inter-oceanic communication by the way of Tehautepec.

The President is not prepared to consent to any enlargement of the stipulations contained in the present Convention restrictive of the sovereign power of the United States. The Convention engages the United States not to occupy any part of Central America. The President will adhere to this engagement unreservedly, if it is unreservedly adhered to by Great Britain.

The United States also engage not to make use of any protection which they afford or may afford, nor to take advantage of any intimacy or use any alliance, connection, or influence which they do or may possess to or with any State or Government in Central America for the purpose of acquiring or holding particular advantages, military, political, or commercial, in relation to the proposed Canal of Nicaragua. The President is also prepared to concur with Great Britain in the full and complete execution of this stipulation of the Treaty.

He is not prepared to enter into new engagements to impair any further than it is done by the present Treaty the sovereign power of the United States, to confer protection, form alliance, connection or intimacy, and exercise influence either in Central America or any where else according as it may seem at any time, best to comport with the interests of the United States.

In concluding and in continuing to execute the treaties with New Granada and with the Mexican Republic above referred to, the United States acted in their own perfect sovereign right. Nevertheless, the President stands ready, when other previous questions are disposed of, to take up the 8<sup>th</sup> Article of the treaty of April 19, 1850, and discuss its application to any existing or projected interoceanic "communications whether by canal or railway across the isthmus which connects North and South America."

You thus have an outline of the course of action which the President desires you to pursue in the conduct of this important negotiation. You will be able, of course, to ask and receive further instructions at any time without much delay. Bearing in mind the general views herein presented, you will nevertheless exercise your discretion in entertaining *ad referendum*, any propositions on the other side which you may think are deserving of consideration and the President confidently hopes and trusts that you may succeed in bringing this long controversy to a conclusion alike honorable and satisfactory to the United States and to Great Britain.

I am [etc.].

2768

*William L. Marcy, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>1</sup>

No. 24

WASHINGTON, July 28, 1856.

SIR: Your despatch N<sup>o</sup> 19<sup>2</sup> was not received until that which accompanies this dated 26<sup>th</sup> inst.<sup>3</sup> was prepared.

The instructions have not been revised nor did it seem to be necessary to make any essential changes in them in consequence of the steps you have taken, as there is no conflict between what you have done and the President's views now communicated to you. The suggestion often made by Great Britain for an independent State embracing San Juan and a district of country around it does not appear to me to be practicable.

In relation to the free ports both of which will be in Nicaragua, there may be embarrassments in arranging the details. Nicaragua is to retain the sovereignty over both places. She will desire to retain something for that sovereignty to rest on. Nicaragua will not be content to have the mere name of sovereignty when the substance is gone— The objects to be gained by the establishment of free ports are the introduction of foreign merchandise with exemption from onerous duties and its safety while it maintains them. To these ends—there must be a good police a proper system of laws and a faithful execution of them.

It is presumed that Nicaragua would be willing to restrict her control as the Sovereign Power so far as it would be necessary for these objects. The less that is required of her the more easy it will be to get the proper concessions— It is a matter for consideration whether less than you have specified in your note to Lord Clarendon would not answer the purposes which the United States and Great Britain have in view in seeking to have free ports at the termini of any thoroughfare across Nicaragua.

I will make an observation in relation to confining the Mosquito Indians to a reservation— If they are placed as it is proposed to have them on a reservation. Nicaragua would probably insist in retaining the eminent domain over the district of country assigned to them, not for the purpose of exercising any direct control over them, but to prevent intrusion of persons not belonging to their tribe upon their territory and to secure the full dominion over the reservation when it shall cease to be occupied by the Mosquitoes— These things are well defined and understood in this Country but may not be so familiar to others.

Nothing can be effectively done in regard to either of the subjects to which I have above alluded until there shall be a Government in Nicaragua with

<sup>1</sup> Instructions, Great Britain, vol. 17.

<sup>2</sup> See below, this volume, pt. II, July 11, 1856, doc. 3079.

<sup>3</sup> Above, this part, doc. 2767.

which Great Britain as well as the United States would be willing and think it safe to treat— The unsettled (state of) affairs in that Country at this time does not enable us to foresee when that will be the case.

I am [etc.].

2769

*William L. Marcy, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain<sup>1</sup>*

No. 31

WASHINGTON, September 26, 1856.

SIR: The President has read with great satisfaction your despatch of the 29<sup>th</sup> ultimo,<sup>2</sup> and the draft accompanying it, of a Treaty with Great Britain for the definitive settlement of the controversy relative to Central America.

He desires me to express his high appreciation of the judgment and skill with which you have conducted this delicate negotiation, and his entire approbation of the substantial provisions of the proposed treaty and the annexed 'Separate Articles'.

He desires, however, some changes in the details, which, without disturbing its general frame work, will render the instrument as he thinks, more perfect in itself, more acceptable to the United States, and more likely to be carried by the interested State of Nicaragua, without being thus rendered in any wise unacceptable to Great Britain.

I proceed to suggest these modifications with brief explanatory observations thereon.

The treaty proposed is, of course, purely supplemental to that of April 19, 1850, and its primary object is to construe and give effect to the latter as it was understood by the United States.

In so far as the United States are directly concerned, therefore, the President cannot extend in any respect, the operation of the treaty of 1850, nor by implication admit the intermediate pretension of Great Britain.

Hence in Art IV. N<sup>o</sup> 3, and in Art VI, par. 2, the expression 'Government of Mosquitia', will need to be changed to 'Mosquito Indians'. The United States have maintained that these Indians were incapable of being a government with territorial sovereignty and consequently never were a government *de facto* or *de jure*. The recognition of that tribe as a government in terms, by the United States, would be incompatible with our fixed policy in respect to this particular case, as well as that of the Indians generally of America. You will perceive that the phraseology suggested is that employed in the *projet* of treaty signed in 1852 by Mr. Crampton and Mr.

<sup>1</sup> Instructions, Great Britain, vol. 17.

<sup>2</sup> See below, this volume, pt. II, doc. 3085, and for the accompanying treaty draft, see note 2 thereto.

Webster.<sup>1</sup> It is presumed that the British Government will not object now, any more than then to employing in this connection, a word of neutral meaning, in the place of one objectionable to the United States.

The United States are only concerned indirectly in this and the other questions involved, which chiefly regard the States which constituted the Republic of Central America.

In this relation, the proposed treaty is to be tendered by the present contracting parties to the Republics of Costa Rica and Nicaragua as being what these Republics ought to adopt, and is to be urged upon them for acceptance by the parties. It must of course, contain no conditions which the President cannot cordially recommend to each of those Republics. In other words, the stipulations must be such in the President's view of them, as would be just and fair towards those Republics. Their interest is quite as much to be respected as that of Great Britain or of the United States. He cannot, as a friend, request or advise them to do anything which he would not himself do in their place.

Regarding the subject from this point of view, the President asks your attention to the limits of the Country set apart for the Mosquitos.

On a rough calculation, the reservation proposed is found to consist of about fourteen thousand square miles, or more than five and a half millions of acres: which seems to the President much more than is requisite for two, or at most, three, thousand Indians; whose numbers have been for years constantly decreasing.

No objection is made to the Western line; but the extension North is deemed very exceptionable and may seriously embarrass the acceptance of the arrangement by Nicaragua. It carries the Mosquito Reservation up to the South bank of the large river Segovia, and to the line of Honduras. No sufficient reason exists for according so extensive a territory to this handful of Indians. But the more serious objection is, that Nicaragua would be thus deprived of the safe use of the largest River of the Republic, and of the control of her frontier on the side of Honduras.

It is proposed to substitute either the line of the Brakma, or that of the Prinzapulca, as the northern boundary, instead of the Wanx or Segovia. The Mosquitos will then have possession of a country enormous relatively to their numbers, actual or possible.

The introductory substance of Art IV seems objectionable in form, if not in effect.

It requires an examination of the map to understand the true relation of the expressions 'South of the River Wanx or Segovia' and 'South of the said parallel and of the river Rama'. It would be more clear and definite to say

'All the territory &c., not included within the limits of the reservation set

<sup>1</sup> For the Webster-Crampton Agreement, dated April 30, 1852, see above, vol. IV, p. 18, note 4.

apart for the Mosquito Indians as described in Art. ii, shall be recognised and declared to be within the limits and sovereignty of the Republic of Nicaragua, &c.'

In the items of this article are several things which the President desires to have modified.

He observes that the proposed treaty does not contain any definition of the limits of San Juan de Nicaragua or Greytown. Considering the nature of the provisions in favor of that port, he deems it indispensable to supply this omission.

It can be done by amending N° 2 of this Article, so that it shall read thus:

('2) The Republics of Nicaragua and Costa Rica shall allow the territorial disputes between them, *and the limits or extension to be given to the town of San Juan de Nicaragua*, (if the same cannot be amicably adjusted between Nicaragua and that town to be settled &c.[.])'

The commerce of Costa Rica, it would seem, should be free at the *port* of San Juan as well as on the River. To secure this object, subjoin at the close of N° 2. the following: 'and without being subject to any duties of import or export, tonnage duty or other tax or public charge whatever, except for light-money and other necessary port charges'.

The President has much doubt in regard to N° 33 of Art. IV, confirming grants made by the so-called 'Government of Mosquitia'.

The corresponding articles of the projet of 1852 subjected the confirmation of these grants to many qualifications: the most important of which the President wishes to have inserted in the present treaty.

To these it is not apprehended that the British Government can have any objection. The need of them at this time, is not less cogent than it was then.

You are instructed, therefore, to propose to the British Government, in place of Art. IV, N° 3, either of the following alternatives, viz:

(A) Omit N° 3 entirely, leaving the whole question to the Republic of Nicaragua.

(B) Or insert instead of it this.

'3. All *bona fide* grants for due consideration, which may have been made in the name and by the authority of the Mosquito Indians, and lying within the limits of San Juan de Nicaragua or Greytown, as they may be established, shall be confirmed, provided that no grant shall be allowed to an extent exceeding one hundred yards square, also provided that the same shall not interfere with other legal grants made previously by Spain, by the Republic of Central America, or either of the present States of Central America; and provided further, that no such grant shall include land required for forts, arsenals, or other public buildings.'

(C) Or insert instead of it this:—

'3. All *bona fide* grants of land for due consideration, made in the name

and by the authority of the Mosquito Indians since the 1<sup>st</sup> of January, 1848, and lying beyond the limits of the territory reserved for said Indians, shall be confirmed, provided the same shall not exceed in any case the extent of one hundred yards square, if within the limits of Greytown or San Juan de Nicaragua, or one league square if without the same; and provided that such grant shall not interfere with other legal grants made previously to that date by Spain; the Republic of Central America, or either of the present States of Central America; and provided further, that no such grant within either of said States shall include territory desired by its Government for forts, arsenals, or other public buildings.'

The President considers the contents of letter (D) N<sup>o</sup> 3, Art IV, objectionable, or at least, defective, in this, that while it enables, it does not restrict, the Municipality of Greytown. In the articles of 1852, that point is carefully guarded, and he prefers to substitute in substance, and with some slight changes in the same sense, the draft of that *projet*.

In the place of letter (D) of your *projet*, the following is proposed:

'D. The municipal Government shall lay no duties on goods exported, nor any duties on goods imported intended for transit across the isthmus, or for consumption without the city; nor any duties of tonnage on vessels, except such as may be necessary for the police of the port, and the maintenance of the necessary light-houses and beacons: Provided that the present condition shall not interfere with, or prevent the levy of, a temporary duty on imports for the purpose of the payment to the Mosquito Indians, as stipulated in Article v.'

These restrictions are called for by the interests of Nicaragua and of Costa Rica; but not less by those of the United States and of Great Britain.

These Governments cannot suffer their transit trade to be subject to the discretion of the inhabitants of Greytown. The controversy in which the United States are engaged with the Republic of New Granada concerning the transit trade of the Isthmus of Panama, and tonnage-duties in the ports of the Isthmus, furnishes topics of admonition in this respect.

The President is of opinion that the inhabitants of Greytown ought not to be wholly relieved of the burden of the common defence of the country.

In the place of letter (E) of your draft, the following is proposed:

'E. Exemption from military service, except for the defence of the city within the same, or for the common defence of the country in case of invasion.'

The President observes that, as permitted by your instructions, you have in the separate Articles proposed to sanction, so far as the United States are concerned, the present limits and impliedly, the new organization of the British settlement of the Balize. Of course, he does not disapprove of this, but he thinks it should serve to satisfy Great Britain of the amicable purposes of this Government.

He therefore does not permit himself to doubt your ability to persuade Her Britannic Majesty's Government of the propriety of the proposed modifications of your draft; and he confidently anticipates that the treaty thus modified will be speedily completed by you, and transmitted here in season to be laid before the Senate at the opening of the next session of Congress.

I am [etc.]

2770

*William L. Marcy, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>1</sup>

Confidential.

WASHINGTON, September 26, 1856.

SIR: With this will be sent to you a despatch<sup>2</sup> suggesting modifications in the *projet* of the treaty which accompanied your despatch of the 29<sup>th</sup> Ultimo<sup>3</sup> and a power to you to conclude the Treaty—

Most of the modifications are of an unimportant character, though it is fit they should be made. Two of them are of a different character. One of these proposes to contract the reservation for the Mosquitoes. The tribe is not a large one, and is constantly becoming less. The district of country indicated in the amendment seems to be abundantly sufficient for them. If there were any hope to be indulged of their ever assuming the phase of civilized life, the objection to the extent of the reservation would have less force, but considering their character and habits, that proposed is probably as good for them as a much larger region. With the restricted quantity of land, they will have less temptation to keep up their roving habits, and be more likely to have permanent homes and cultivate their lands. The less their reservation the larger will probably be the annuity provided for them—If left to their own choice, they would probably prefer a large annuity with less land to a large reservation with a small annuity. Besides, Nicaragua might be extremely reluctant to acquiesce in so large a reservation as that proposed in the *Projet*.

But the modifications and additions relative to San Juan de Nicaragua or Greytown are far more desirable than the proposed restriction of the reservation. Unless the suggested changes in that respect can be made, or others equivalent to them, the President would not have you agree to the Treaty. The dwellers at that place have heretofore claimed a vast extent of country around the port, much more than Nicaragua ought to yield up, or could yield up without seriously dismembering the State. Restricting that town to the narrowest limits, it is asking a good deal of Nicaragua to give up almost entirely, as it is proposed to do by the amendments, her only port on

<sup>1</sup> Instructions, Great Britain, vol. 17.

<sup>2</sup> See above, this part, September 26, 1856, doc. 2769.

<sup>3</sup> See below, this volume, pt. II, doc. 3085; and see note 2 thereto.



the Atlantic, and by far the most important one in the State— The President could not in conscience ask her to surrender as much as would be claimed under the stipulations of the *projet*.

I cannot think Great Britain will be unyielding on this point, or will hesitate to accept the modification proposed in the accompanying despatch— The adoption of them will not, as the President conceives, interfere in any respect, with the object of making San Juan a free port. Should there be difficulty on this point you will communicate with your Government in relation to it before concluding the negotiation.

In the Despatch herewith sent to you,<sup>1</sup> frequent reference is made to the arrangement of the 30<sup>th</sup> of April, 1852, proposed by Mr. Webster, Secretary of State of the United States, and Mr. Crampton, Her Britannic Majesty's Minister to this Government.<sup>2</sup> Though that Document is undoubtedly on the files of the Legation at London, yet I enclose a spare copy of it with this communication.

Yours truly.

2771

*William L. Marcy, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>3</sup>

No. 37

WASHINGTON, November 7, 1856.

SIR: In your private note of the 17<sup>th</sup> ultimo,<sup>4</sup> you mention that Lord Clarendon had reminded you that Mr. Buchanan had once spoken to him about a co-öperation of the United States and Great Britain in respect to the Union of Buenos Ayres to the Argentine Republic— I communicated with Mr. Buchanan on that subject more than a year ago explaining the course proposed to be pursued by the United States in regard to it.<sup>5</sup> This Government then had a Minister, Mr. Peden, at Buenos Ayres who was also accredited to the Argentine Confederation. It was determined to withdraw him altogether from Buenos Ayres and not to treat that State as independent, but rather as a seceder from the Argentine Confederation. Great Britain and France had, as it was understood, viewed Buenos Ayres in that light. Before any steps were taken to carry out this arrangement Mr. Peden informed this Government that the Argentine Confederation had entered into Treaty stipulations with the state of Buenos Ayres but he did not state the character of those stipulations. The execution of the arrangement by this Government was delayed for the purpose of ascertaining the nature of that treaty. About six or eight months ago it was discovered that the treaty, whatever it might have been, had ceased to exist and thereupon the design of

<sup>1</sup> See above, this part, September 26, 1856, doc. 2769.

<sup>2</sup> For this arrangement, see above, vol. IV, p. 18, note 4.

<sup>3</sup> Instructions, Great Britain, vol. 17.

<sup>4</sup> Not found.

<sup>5</sup> See Marcy's instruction No. 93 to Buchanan, June 16, 1855, above, this part, doc. 2755.

the original arrangement was resumed and measures taken to carry it out. Mr. Peden was appointed Minister Resident to the Argentine Confederation, and some time since, he was instructed to withdraw from Buenos Ayres, and take up his residence in that Confederation.<sup>1</sup> The Department has not heard from him since he received these instructions; but doubtless they have been complied with ere this time. The course which this Government has determined to pursue in this case corresponds with that which has been adopted by both Great Britain and France and it seems to be such as the peculiar relations of the State of Buenos Ayres with the Argentine Confederation requires of Foreign Powers— Should Lord Clarendon again speak to you on the subject you will be enabled to explain the course this Government has pursued.

I am [etc.].

2772

*William L. Marcy, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>2</sup>

No. 38

WASHINGTON, November 10, 1856.

SIR: In a private letter forwarded to you on Friday last,<sup>3</sup> I remarked that there appeared to be a clerical mistake in the convention negotiated by you and Lord Clarendon.<sup>4</sup> In that sent here it is provided—in the Paragraph (D.) of the 4<sup>th</sup> Article as follows "The municipal Government shall lay no duties on goods exported nor any duties on goods imported intended for transit across the Isthmus or for consumption '*within*' the city", &c. In the draft of the amendment sent to you the restriction was on goods imported intended for consumption "*without*" the city &c.

There are certainly good reasons for restraining the municipal authorities of San Juan from imposing duties on goods imported into its harbor for consumption in Nicaragua and Costa Rica &c. but none for depriving it of the power to tax articles imported for the purpose of being consumed within its own jurisdiction. Under the latter restriction the city might be much embarrassed in its financial arrangements. It is quite evident that the word "*within*" has been used by mistake instead of the word "*without*" in the clause of the Convention which you have sent to the Department. The President has not deemed it necessary to send it back for correction. This may be effected by recommending when it is sent in to the Senate for their advice and consent to its ratification that the word "*without*" be substituted for "*within*". It is barely possible that the sentence in the same article under (3), "This stipulation is in no manner to affect the grants of land made previously to the 1<sup>st</sup> of January, 1848," may be interpreted as implying a con-

<sup>1</sup> See Marcy's instruction No. 20 to Peden, July 18, 1856, above, vol. 1, doc. 33.

<sup>2</sup> Instructions, Great Britain, vol. 17.

<sup>3</sup> Not found.

<sup>4</sup> This convention, dated October 17, 1856, is below, this volume, pt. II, p. 688, in note 2.

firmation of such grants or removing the limitation as to the quantity mentioned in the former part of same clause of the convention. Such is not, I believe, the understanding of either party to the instrument, nor indeed would such a construction be borne out by the language used by them— It is not however deemed necessary to make any change to guard against a misinterpretation which is so clearly aside from the intention of the parties.

Your despatches to N<sup>o</sup> 30,<sup>1</sup> inclusive have been received.

I am [etc.].

2773

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>2</sup>

No. 57

WASHINGTON, March 21, 1857.

SIR: I transmit you herewith a copy of the Treaty between the United States and Great Britain, negotiated at London by yourself and Lord Clarendon on the 17<sup>th</sup> of October, last, together with the amendments proposed by the Senate. The ratification of the President by and with the advice of the Senate is annexed to this instrument.<sup>3</sup>

I am directed by the President to request you to communicate a copy to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, and to ask the attention of the British Government to the subject.

Agreeably to the established usage of this government in cases deemed necessary amendments have been introduced by the Senate into this Treaty.

If the British Government accede to these propositions, and consent to ratify the treaty as it has passed the Senate, an immediate exchange of ratifications will be all that will be necessary to render it obligatory upon both Countries. Should that Government however refuse its consent, your duties connected with the Treaty will be terminated at least for the present.

It is not necessary that I should explain the nature of these proposed amendments. They are sufficiently clear, and in fact but serve to carry out the principles, avowed by the parties, with more certainty and precision.

The President is sincerely desirous that all difficulties between the two Countries should be satisfactorily adjusted, and it is his purpose, during his Administration to employ his best efforts to cultivate the most friendly relations between them. In this spirit he has consented to give his ratification to the Treaty.

The negotiation which led to this arrangement was conducted under the authority of his predecessor and the treaty which was the result was submitted by him to the Senate. That body returned it to the present Execu-

<sup>1</sup> For No. 30, October 17, 1856, see below, this volume, pt. II, doc. 3087.

<sup>2</sup> Instructions, Great Britain, vol. 17.

<sup>3</sup> See the treaty and the above-mentioned documents, below, this volume, pt. II, p. 688, note 2.

tive after exercising their constitutional power of advising and consenting that it should be "made". The amendments render the arrangement much more acceptable in the opinion of the President though they do not fully remove some of his objections. Still he has deemed it best under the circumstances that the difficulties between the two Governments in regard to Central America should be terminated in the manner proposed that thus the only cause for misunderstanding between them should be finally removed.

You are authorized to lay a copy of this instruction before Lord Clarendon. I am [etc.].

## 2774

*Lewis Cass, Secretary of State of the United States, to Lord Napier, British Minister to the United States*<sup>1</sup>

Confidential.

WASHINGTON, April 17, 1857.

MY LORD: In the course of an interview which I recently had the honor to hold with your Lordship, I caused to be read an extract from a confidential letter addressed to me from a reliable source relative to the occurrences at Panama on the 15<sup>th</sup> of April, 1856. A copy of the Extract is herewith enclosed.<sup>2</sup>

I have the honor [etc.].

## 2775

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>3</sup>

No. 62

WASHINGTON, April 21, 1857.

SIR: You are aware that a special Commissioner was sent some months since to New Granada, to adjust in conjunction with the Resident Minister of the United States at Bogota the controversies that had arisen between that Country and this.<sup>4</sup>

The demands of the United States are:—

1. Reparation for the outrages upon the persons and property of our citizens in the riot at Panama on the 15<sup>th</sup> April 1856.
2. The repeal of the tonnage duty upon our vessels, a tax, which the Government of New Granada had relinquished all right to levy.
3. The relinquishment by New Granada of the claim which it sets up, in re-

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> Not found, but concerning the Panama massacre of the above-mentioned date, see above, vol. v, doc. 1846, p. 388, note 2.

<sup>3</sup> Instructions, Great Britain, vol. 17.

<sup>4</sup> See Secretary Marcy's instruction No. 28, addressed jointly to Commissioner Morse and Minister Bowlin, December 3, 1856, above, vol. v, doc. 1846.

lation both of its treaty obligations and its contract with the Rail Road Company, to tax the mail matter of the United States sent across the Isthmus by the line of the Rail Road.

4. Reasonable security against injuries hereafter, and for the protection of the rights of the Rail Road Company, principally composed of American citizens, which rights are derived from a contract formed with the Government of that Republic.

The negotiation of our Commissioner has been wholly fruitless. Our demands and propositions have been rejected, our special Commissioner has left the Country, and he will undoubtedly be followed by the Minister without delay. That you may form a just view of the extraordinary conduct of the New Granadian Government, I forward herewith a copy of two of the latest notes of the Minister for Foreign Affairs of that Republic to our Commissioner.<sup>1</sup> The pretensions advanced and the offensive language employed require no comment.

The rights of our citizens to the protection of the laws and authorities of New Granada, not only upon general principles of national intercourse but by our Treaty with that Republic, and by the special grant of its Government in its charter to the Rail Road Company, cannot be contested. That right is claimed to have been forfeited upon the pretence that the origin of the riot adverted to, was owing to the improper conduct of an American citizen. There is no just foundation for this assertion, but if there were, it would furnish no justification for the local authorities, who neglected, and even refused to interfere, while unoffending travellers were robbed and murdered, or for the Government itself, which has sought to shelter with impunity the perpetrators of that horrible outrage. The citizens of one Country while residing in, or passing through another, owe obedience to its laws, and are entitled to their protection. If they fail in the former they are subject to the prescribed penalties. If they are denied the latter, then their country has a right to complain, and to demand reparation. But how the citizens of one Country while in another, can render their own Government responsible for their acts, the Secretary of State of New Granada does not explain, and it would be vain to inquire.

Our Mission having thus failed, nothing remains for the United States but to afford that protection to the persons and property of their citizens passing over the Panama Rail Road to which they are entitled. For this purpose, orders have been given for an immediate increase of our Naval force at Aspinwall and Panama, and instructions have been sent to the Commanding Officer to afford all necessary protection, to our citizens, attacked or in danger, upon any part of the road. These instructions are similar to those

<sup>1</sup> He presumably refers to those dated February 23 and 28, 1857, above, vol. v, docs. 2132 and 2135, enclosures with Minister Bowlin's despatch No. 35, dated March 6, 1857, also in the same part, doc. 2136. That despatch was received at the department on April 14, just seven days before this instruction was written.

given during the last administration, for the conduct of the Naval Officers in like circumstances.

It is probable that our measures may be regarded with some attention by the British Government, and I have communicated to you these facts and views that you may frankly explain our purpose to Lord Clarendon, should he refer to the subject in conversation. There can be no objection to your reading to him this Despatch and its enclosures, should he desire it. The practical difficulty now is, that we can form no rational conjecture as to what the folly of the New Granadian government may compel us to do. We want no war with that Country, We have no desire to seize any part of its territory. What we seek and must have is, just reparation for past injuries, and security for the property of the Rail Road Company, and protection and uninterrupted passage and transportation for the persons and property of our citizens. The formal relinquishment of the claim to levy tonnage duties and the right to tax our correspondence by post across the Rail Road must, of course, be included in our demands. The accounts from New Granada augur little good from the temper and pretensions of the members of the existing government. By some strange infatuation, they have persuaded themselves, that their country is beyond the reach of attack for any cause. This notion is represented to be a very prevalent one, and seems to be founded upon an idea of their own strength and position, and also upon a fixed impression, that France and England and the United States are so jealous of each other, that two of these powers would at any time unite, and endeavor by their interference to prevent the other from obtaining satisfaction by force for any injury whatever. It is obvious that with such a national feeling to prompt and encourage the Government in its course, the United States may ultimately find themselves compelled to adopt measures which they would much rather avoid.

I am [etc.].

2776

*Lewis Cass, Secretary of State of the United States, to Lord Napier, British Minister to the United States*<sup>1</sup>

WASHINGTON, April 22, 1857.

MY LORD: I have received your note of the 19<sup>th</sup> instant<sup>2</sup> apprising me that your Lordship has reported to the Earl of Clarendon the information which I communicated in conversation respecting the measures the President proposes to adopt in the circumstances in which the United States have been placed by the injustice of the Government of New Granada and its offensive refusal to accommodate the difficulties that have arisen between the two Countries. I feel assured, that his Lordship will see in these measures a

<sup>1</sup> Notes to Great Britain, vol. 7.

<sup>2</sup> Below, this volume, pt. II, doc. 3092.

proof of the justice and forbearance of the United States under circumstances of aggression which would well have warranted a resort to very different proceedings. But notwithstanding such causes of complaint, I renew the oral assurance given to your Lordship that the United States do not seek by these measures to occupy and acquire any part of the territory of New Granada, nor the possession of the Rail Road, but they desire in addition, to the just protection of the rights of the Rail Road Company "merely security," in the words of your Lordship, "for the passage and due reparation for the injuries inflicted on the persons and property of American Citizens in the recent outrages."<sup>1</sup>

The President trusts that a returning sense of justice will yet induce the Government of New Granada satisfactorily to arrange the existing controversies without the adoption of more decisive measures. But should this hope fail the United States will not hesitate to take prompt and efficient steps to keep this great highway of Nations free and open to their own citizens and to all other people whatever, and to afford the necessary protection to the persons and property of all those who pass along it. In my despatch to Mr. Dallas of yesterday,<sup>2</sup> and which he was authorized to read to Lord Clarendon, I alluded to this contingency in the following words "It is obvious that with such a national feeling," (referring to the unfriendly feeling against the people of the United States, which is prevalent in New Granada) "to prompt and encourage the Government in its course, the United States may eventually find themselves compelled to adopt measures they would much rather avoid."

While tendering my acknowledgments to Your Lordship for your suggestion respecting the proper qualifications of the officer who may be placed in command of the Naval Forces of the United States upon the Coast of New Granada, I beg leave to assure you that you do no more than justice to the Officers of the American Navy in supposing that they will not forget what is due to the honor and interest of their Country, nor fail to regulate their conduct by a regard to just discretion and moderation, in whatever emergency, involving grave political consequences, they may be placed.

Having already made known to Your Lordship the views of this Government in the event of the interference of our Naval forces at the Isthmus and the orders which will regulate their action, the President does not deem it necessary that the protection they may be called upon to afford to the persons and property of American citizens in that quarter should be accompanied by any public declaration on the part of the Commanding Officer of the temporary nature of the service. A better assurance is found so far as Her Majesty's Government may feel interested, in the frank exposition, I have given to Your Lordship of the views and intentions of this Government.

<sup>1</sup> He presumably refers to the claims arising from the Panama massacre of April 15, 1856. See above, vol. v, doc. 1846, p. 388, note 2, regarding this affair.

<sup>2</sup> See above, this part, doc. 2775.

And since the views thus communicated will not fail to become known to other nations, and as the proceedings of our Naval forces, will be confined to the ordinary duty of protecting the persons and property of our citizens where the necessity of such protection must be apparent to the world, it is not perceived that our proceedings can furnish reasonable cause for anxiety in any quarter.

I avail myself [etc.].

2777

*Lewis Cass, Secretary of State of the United States, to Lord Napier, British Minister to the United States*<sup>1</sup>

WASHINGTON, May 9, 1857.

MY LORD: I have the honor to acknowledge the receipt of your Lordship's note of the 6<sup>th</sup> instant accompanied by a draft of a new Treaty relative to Central American Affairs,<sup>2</sup> which your Lordship proposes as a substitute for that which had been ratified by the President,<sup>3</sup> but which Her Majesty's advisers have counselled her not to ratify on the part of Great Britain.

In reply, I have the honor to acquaint your Lordship, that your Lordship's note has been laid before the President. It is perceived, however, that your Lordship's draft refers to a Treaty between Great Britain and Honduras upon the subject of the Bay Islands. This Department has no copy of that instrument, nor has it been officially or otherwise communicated to this Government. I will thank your Lordship, therefore for a copy, if it should be in your power to furnish me with one.

I have the honor [etc.].

2778

*Lewis Cass, Secretary of State of the United States, to Lord Napier, British Minister to the United States*<sup>4</sup>

WASHINGTON, May 19, 1857.

MY LORD: I have the honor to acknowledge the receipt of your Lordship's communication of the 14<sup>th</sup> instant with the papers which accompanied it<sup>5</sup> in relation to the embarkation at Greytown on board H. M. Vessels of War of certain destitute persons who had been engaged in the Nicaraguan dis-

<sup>1</sup> Notes to Great Britain, vol. 8.

<sup>2</sup> See the British Minister's note, below, this volume, pt. II, doc. 3094, and concerning its enclosure, see note 1 thereto, p. 706.

<sup>3</sup> See the President's ratification of the amendments proposed by the Senate to the Dallas-Clarendon Treaty, following that treaty, below, this volume, pt. II, pp. 688, 692, note 2.

<sup>4</sup> Notes to Great Britain, vol. 8.

<sup>5</sup> This note is below, this volume, pt. II, doc. 3095, but the papers accompanying it were apparently returned to the British legation, in compliance with the British Minister's request, since no copies of them were found.



turbances, and the conveyance of a large body of them to the mouth of the Mississippi. The correspondence and statements in these papers seem to justify the belief, expressed by your Lordship, that the proceedings of Her Majesty's Officers were adopted from motives of "humanity and prudence" and the President has learned their contents, therefore with much satisfaction. In compliance with your Lordship's request the papers are herewith returned.

I have the honor [etc.].

2779

*Lewis Cass, Secretary of State of the United States, to Lord Napier, British Minister to the United States*<sup>1</sup>

WASHINGTON, May 29, 1857.

MY LORD: I have received your Lordship's note of the 6<sup>th</sup> instant,<sup>2</sup> communicating the resolution of the British Government to advise the Queen not to ratify the treaty of Oct. 17. 1856 respecting the affairs of Central America, and which had been modified by the Senate of the United States and in its modified form submitted for the consideration and action of your Government.

I have laid before the President this note together with the accompanying *projet* of a new treaty<sup>3</sup> and I have received his instructions to make known to you, his views upon the subject.

The Clayton Bulwer Treaty concluded in the hope that it would put an end to the differences which had arisen between the United States and Great Britain, concerning Central American Affairs had been rendered inoperative in some of its most essential provisions, by the different constructions, which had been reciprocally given to it by the parties. And little is hazarded in saying, that had the interpretation since put upon the treaty by the British Government and yet maintained, been anticipated, it would not have been negotiated, under the instructions of any executive of the United States nor ratified by the branch of the Government entrusted with the power of ratification.

A protracted discussion in which the subject was exhausted, failed to reconcile the conflicting views of the parties, and as a last resort a negotiation was opened for the purpose of forming a supplementary treaty, which should remove if practicable, the difficulties in the way of their mutual good understanding, and leave unnecessary any farther discussion of the controverted provisions of the Clayton Bulwer treaty. It was to effect this object that the Government of the United States agreed to open a negotiation which

<sup>1</sup> Notes to Great Britain, vol. 8.

<sup>2</sup> Below, this volume, pt. II, doc. 3094.

<sup>3</sup> This *projet* is not included in this publication. The only difference between it and the modified Dallas-Clarendon Treaty, which is below, this volume, pt. II, p. 688, in note 2, is revealed within this note.

terminated in the treaty of October 17<sup>th</sup> 1856, and though the provisions of that instrument, even with the amendments proposed by the Senate were not wholly unobjectionable, either to that body or to the President, still so important did they consider a satisfactory arrangement of this complicated subject, that they yielded their objections and sanctioned by their act of ratification the convention as amended. It was then transmitted to London for the consideration of Her Britannic Majesty's Government, and having failed to meet its approbation has been returned unratified. The parties are thus thrown back upon the Clayton Bulwer treaty, with its disputed phraseology and its conflicting interpretations, and after the lapse of seven years not one of the objects connected with the political condition of Central America which the United States had hoped to obtain by the arrangement has been accomplished.

Under these circumstances your Lordship informs me that the British Government, appreciating the differences which this subject has caused "between the two countries" have determined to propose to the United States, the conclusion of a new treaty, and in conformity with your instructions, this proposition is accompanied with the projet of a Convention, which, if ratified by the President and Senate of the United States, it is engaged will be ratified by Her Britannic Majesty. The draft presented is identical in its language with the treaty of October as ratified by the Senate except that to that clause of the second separate article which provides for the recognition of the Bay Islands, as under the sovereignty and as part of the Republic of Honduras,"<sup>1</sup> there is added the provision "whenever and so soon as the Republic of Honduras shall have concluded and ratified a treaty with Great Britain, by which Great Britain shall have ceded, and the Republic of Honduras shall have accepted, the said Islands, subject to the provisions and conditions contained in the said treaty."

This provision is a substitute for the provision relating to the same subject contained in the rejected treaty, and which referred to a subsisting convention with Honduras for the cession to that Republic of the Bay Islands. Taken in connection with this convention, of which your Lordship was good enough on the 10<sup>th</sup> instant to communicate a copy to this Department upon my application,<sup>2</sup> that provision whilst declaring the Bay Islands to be "a free territory under the sovereignty of the Republic of Honduras" deprived that Country of rights without which its sovereignty over them could scarcely be said to exist. It separated them from the remainder of Honduras and gave them a government of their own, with their own legislature, executive and judicial officers elected by themselves. It deprived the Government of Honduras of the taxing power in every form, and exempted the people of the Bay Islands from the performance of military duty, except

<sup>1</sup> The beginning of this quotation is not indicated.

<sup>2</sup> Neither one of these documents is included in this publication.

for their own defence and it prohibited the Republic from providing for the protection of these Islands by the construction of any fortifications whatsoever, leaving them open to invasion from any quarter. Had Honduras ratified this treaty, she would have ratified the establishment of an "Independent" state within her own limits and a state at all times liable to foreign influence and control. I am not therefore, surprised to learn from your Lordship that "Her Majesty's Government do not expect that this Treaty, in its present shape will be definitively sanctioned by that Republic."

But while this expectation may be justified by the event it is certain that the new provision, like the former one, contemplates the cessions of the Bay Islands to Honduras, only upon certain "conditions" and that these conditions are to be sanctioned by this Government. The proposition therefore though changed in form is the same in substance, with that which was recently rejected by the Senate of the United States, and a just respect for the Senate would prevent the President from now consenting to its insertion in a new treaty. The action of that body, moreover met his cordial approbation, because it is his firm conviction that the Bay Islands are a part of the Territory of Honduras, and justly subject to its Government and to no other authority. Entertaining this opinion, it would be impossible for him to sanction any arrangement by which their restoration may be made dependent upon conditions either already described or left to be prescribed thereafter. The case of the Islands as your Lordship is aware, stands out in bold relief from all the other subjects embraced in the Clayton Bulwer treaty. That instrument provided that neither of the parties should "colonize" any portion of Central America, and yet more than a year after its ratification the Colony of the Bay Islands was established by an act of the British Government. The United States have always considered that proceeding a violation of the treaty, even with the British construction of it, and the claim for its justification that the Bay Islands are dependencies of the Belize settlement cannot, it is believed, be maintained with success upon either American or British authority. It is directly at variance with the description given by Sir Charles Grey, the Secretary of State for the Colonies, in 1836, of the Boundaries of the Belize settlement; and from the discussions between the two Governments which took place in London in 1854 it cannot be doubted that it was opposed also to the deliberate opinion of Lord Aberdeen, then at the head of the British Cabinet.

Independently however of these considerations there is another view of the subject which interposes insuperable obstacles to the desired action of the United States upon this treaty. The character or the extent of the concessions, which England may demand of Honduras is nowhere defined in that instrument. Any grant, however inconsistent with the independence or the rights of that Republic, if not inconsistent with the express provisions of the Treaty, may be demanded by Great Britain, and if rejected what then

will be the condition of the parties? Great Britain would retain the possession of the Islands, with the implied concurrence of the United States, and this valuable group, overlooking one of the great avenues of communication of the world, and in the freedom and security of which, the United States have a far deeper interest than any other nation, might thus eventually become a permanent portion of the British Empire. That the United States should decline to make themselves a party to such an arrangement can surely occasion neither surprise nor disappointment to the people or statesmen of Great Britain.

I am therefore directed by the President to announce to your Lordship that he cannot accept the projet of a treaty which agreeably to your instructions you have presented for his consideration. But while feeling it his duty so to decide, he fully reciprocates the desire of your Government to cement the amicable relations of the two countries and during his Administration no effort shall be wanting on his part to prevent any interruption of that friendly intercourse which both Great Britain and the United States have so many powerful motives to promote.

I have the honor [etc.].

2780

*John Appleton, Acting Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>1</sup>

No. 69

WASHINGTON, June 15, 1857.

SIR: The enclosed copy of a note addressed by this Department to Lord Napier on the 29<sup>th</sup> Ultimo,<sup>2</sup> will acquaint you with the reasons which led to a rejection of the proposition for a treaty respecting the Affairs of Central America, which, under the instructions of Her Britannic Majesty's Government was offered by him;

I am [etc.].

2781

*Lewis Cass, Secretary of State of the United States, to Lord Napier, British Minister to the United States*<sup>3</sup>

WASHINGTON, August 4, 1857.

MY LORD: I have the honor to acknowledge the receipt of your Lordship's note of the 1<sup>st</sup> instant,<sup>4</sup> asking for information in reference to the survey of a line of water communication between the Atlantic and the Pacific, along the Turando and Atrato Rivers under the sanction of Congress.

<sup>1</sup> Instructions, Great Britain, vol. 17.

<sup>2</sup> Above, this part, doc. 2779; and see note 3 thereto, p. 168, concerning the *projet*, or proposition which accompanied it and is mentioned below in this instruction.

<sup>3</sup> Notes to Great Britain, vol. 8.

<sup>4</sup> Not included in this publication, since its brief content is indicated below in this note.

In reply, I have the honor to inform your Lordship, that Lieutenant Tunis A. M. Craven, of the Navy, and Nathaniel Michler, of the Army, have been detailed by their respective Departments, and are about organising parties which will probably leave the United States on that service in September next.

I have the honor [etc.].

2782

*Lewis Cass, Secretary of State of the United States, to Lord Napier, British Minister to the United States*<sup>1</sup>

WASHINGTON, September 10, 1857.

MY LORD: The proposition in your Lordship's letter of the 24<sup>th</sup> ultimo,<sup>2</sup> for a joint convention between the United States, England, and France, for the purpose of securing the freedom and neutrality of the transit route over the Isthmus of Panama, has been submitted to the President, and I am now instructed to communicate to you his views concerning it.

The President fully appreciates the importance of that route to the commercial nations of the world, and the great advantage which must result from its entire security both in peace and war, but he does not perceive that any new guaranty is necessary for this purpose on the part of the United States. By the Treaty concluded with New Granada, on the 12<sup>th</sup> of December, 1846, to which your Lordship has referred, this Government guaranteed for twenty years the neutrality of the Isthmus, and also the rights of sovereignty and property over it of New Granada. A similar measure on the part of England and France would give additional security to the transit, and would be regarded favorably, therefore, by this Government. But any participation by the United States in such a measure is rendered unnecessary by the arrangement already referred to, and which still remains in full force. It would be inconsistent, moreover, with the established policy of this country to enter into a joint alliance with other powers, as proposed in your Lordship's note.

The President is fully sensible, however, of the deep interest which must be felt by all commercial nations, not only in the Panama transit route, but in the opening of all the various passages across the Isthmus by which a union of the two oceans may be practically effected. The progress already effected in these works has opened a new era in the intercourse of the world, and we are yet only at the commencement of their results. It is important that they should be kept free from the danger of interruption, either by the Governments through whose territories they pass, or by the hostile operations of other countries engaged in war. While the rights of sovereignty of the local Governments must always be respected, other rights also have

<sup>1</sup> Notes to Great Britain, vol. 8.

<sup>2</sup> Below, this volume, pt. II, doc. 3098.

arisen, in the progress of events involving interests of great magnitude to the commercial world, and demanding its careful attention, and, if need be, its efficient protection. In view of these interests, and after having invited capital and enterprise from other countries to aid in the opening of these great highways of Nations under pledges of free transit to all desiring it, it cannot be permitted that these Governments should exercise over them an arbitrary and unlimited control, and close them or embarrass them without reference to the wants of commerce or the intercourse of the world. Equally disastrous would it be to leave them at the mercy of every nation which in a time of war, might find it advantageous, for hostile purposes, to take possession of them, and either restrain their use, or suspend it altogether. The President hopes that by the general consent of the Maritime Powers all such difficulties may be prevented, and the interoceanic lines, with the harbors of immediate approach to them, may be secured beyond interruption to the great purposes for which they were established.

I have the honor [etc.].

2783

*Lewis Cass, Secretary of State of the United States, to Lord Napier, British Minister to the United States*<sup>1</sup>

Private.

WASHINGTON, September 12, 1857.

MY LORD: I have received your Lordship's letter of the 30<sup>th</sup> ultimo,<sup>3</sup> marked private, proposing that the American Minister at Mexico should be instructed to recommend to the Government of that country moderate and conciliatory feelings in the conduct of its affairs with Spain, and have conversed with the President upon the subject.

The President appreciates the friendly efforts of England and France to put an end to the existing difficulties between Spain and Mexico without passing any judgment upon the claims of either, and he earnestly hopes, that the Spanish and Mexican Governments will relinquish all hostile intentions, if they have formed any, and adjust their controversy without resorting to a war whose serious consequences the United States would deprecate as the friend of both parties. But beyond the expression of its good wishes this Government cannot go. It cannot present itself to the Government of Mexico with any recommendation connected with Spanish affairs, for such a course would not be consistent with its established policy of abstaining from all foreign questions not directly connected with the United States.

I concur in the views you have presented respecting the Argentine Republic, and the Minister of the United States who is about to be accredited to

<sup>1</sup> Notes to Great Britain, vol. 8.

<sup>3</sup> Not found.

the Government of that Country will be instructed to establish himself at Parana. He will inform the Government of Buenos Ayres, that our Diplomatic relations with that State have ceased, and will hereafter be maintained only with the Confederation.

I am [etc.].

2784

*Lewis Cass, Secretary of State of the United States, to Lord Napier, British Minister to the United States*<sup>1</sup>

WASHINGTON, October 20, 1857.

MY LORD: I have had the honor to receive Your Lordship's communication of the 9<sup>th</sup> instant<sup>2</sup> in reference to the existing relations between Nicaragua and Costa Rica, and have submitted it to the consideration of the President.

These relations have attracted the earnest attention of the President, not only from the importance of the San Juan Transit to the commerce of the world, but from the interest which is naturally felt by the United States in the neighboring Republics of this continent. The President has witnessed, therefore, the restoration of peace to Nicaragua and Costa Rica with the highest gratification, and he sincerely hopes that it may not again be interrupted, either by the calamity of civil war, or the invasion of their territory from other countries. Their security and welfare would undoubtedly be promoted by a just and friendly settlement between them of their mutual boundaries and jurisdiction, and I need hardly add that such an adjustment would be viewed with satisfaction by the United States. This Government, however, has never admitted the pretensions of Costa Rica to an equal control with Nicaragua of the San Juan River, but he has regarded the sovereignty of the river, and consequently of the inter-oceanic transit by that route, as rightfully belonging to the Republic of Nicaragua. A similar view of the question appears to have been recognized by Great Britain, and whatever may be the rights of Costa Rica with respect to the free passage of her own products by the river to the ocean, it is better, probably, that what has been thus acquiesced in, and has led, moreover, to important contracts and responsibilities should not now be disturbed. But under any circumstances the commercial nations of the world can never permit the interoceanic passages of the Isthmus to be rendered useless for all the great purposes which belong to them, in consequence of the neglect or incapacity of the States through whose territories they happen to run. The United States as I have before had occasion to assure your Lordship demand no exclusive privileges in these passages but will always exert their influence to secure their free and unrestricted benefits, both in peace and war, to the

<sup>1</sup> Notes to Great Britain, vol. 8.

<sup>2</sup> Below, this volume, pt. II doc. 3099.

commerce of the world. The rumored invasion of Central America which your Lordship apprehends may delay the reestablishment of the transit service through Nicaragua, has not escaped the attention of the President, and his views on the subject are clearly indicated in the Circular from this Department of the 18<sup>th</sup> ult which has been printed in the public journals and has not escaped your Lordship's notice. No nation on earth, it is believed appreciates its national rights and duties more highly than the United States, and no one is more ready to concede to other nations, whether strong or weak, that measure of justice which it claims for itself. Any such expedition as that which has been mentioned is forbidden under severe penalties by the laws of this Country and these laws the President will take care on all proper occasions to enforce.

I have thus endeavored to meet the frank suggestions of your Lordship by re-stating with corresponding frankness the general policy of the United States with respect to the Governments and the inter-oceanic transits of Central America; but since your Lordship has referred to the Clayton Bulwer Treaty of 1850 as contemplating ["] a harmonious course of action and counsel between the contracting parties in the settlement of Central American interests,"<sup>1</sup> you will pardon me for reminding your Lordship that the differences which this treaty was intended to adjust between the United States and Great Britain, still remain unsettled, while the Treaty itself has become the subject of new and embarrassing complications. Until these disagreements can be removed, and the States of Central America can be left to that independent control of their own affairs with which the continued claims of Great Britain in that quarter seem to this Government quite inconsistent, it is easy to see that the harmony of action and counsel between this Government and that of Her Britannic Majesty, to which your Lordship refers, must be always attended with difficulty, if not found impossible. It was hoped that these differences would be removed by the approval on the part of Great Britain of the amended Treaty of October 17<sup>th</sup> 1856,<sup>2</sup> which had been sanctioned by the President in a spirit of amity towards that Kingdom, although its provisions were not wholly in accordance with his views. But the British Government found it necessary to withhold this approval, and the Treaty was returned from London unratified. It was impossible for this Government to consent to the Treaty in its original form, for reasons which your Lordship well understands, and no further discussion has been had on the subject between the two Governments. The President still entertains an earnest hope that all subjects of disagreement which now exist between the United States and Great Britain may be harmoniously adjusted at an early day, but he cannot be insensible to the long

<sup>1</sup> The quotation mark in brackets, omitted in the original manuscript, has been inserted after comparison with the document quoted.

<sup>2</sup> The Dallas-Clarendon Treaty, followed by the amendments proposed by the Senate, is below, this volume, pt. II, p. 688, note 2.



delay which has attended their negotiations on the subject of Central America, or to the serious difficulties which the continuance of this delay is calculated to produce.

I avail myself [etc.].

2785

*Lewis Cass, Secretary of State of the United States, to Lord Napier, British Minister to the United States*<sup>1</sup>

Private.

WASHINGTON, October 20, 1857.

MY DEAR LORD NAPIER: Since the receipt of your private note of the 12<sup>th</sup> instant<sup>2</sup> Mr. Irisarri has sent me a copy of the official gazette in which there is printed the proposal with respect to a union of Nicaragua and Costa Rica<sup>3</sup> to which your note refers. The proposal suggests the appointment of Commissioners by each State to meet and confer upon a plan for the consolidation of the two Governments into one, but although the proposition is dated as long ago as August 12<sup>th</sup>, I am not aware that any such Commissioners have been appointed. It is difficult to believe that the population of Nicaragua, of their own free will are really desirous to sacrifice their existence as a separate and independent nation, however much they may be in fear from invasion or distrustful of their own power to resist it with success. If they are not really thus desirous for union and the union should still take place, under peculiar circumstances of constraint, you will agree with me, I am sure, that it could lead only to mischievous results. Mr. Irisarri seems to be of opinion that it would be injurious to both parties.

With respect to the apprehended movement of Filibusters from this Country I need hardly repeat to you the views of the President on this subject, because they have been made public in an official circular which you have doubtless read. Our laws prohibit the setting on foot in this country of military expeditions against nations with whom we are at peace, under severe penalties; and the President is authorized to employ our military and naval forces for the purpose of preventing them. These laws he means to enforce on every proper occasion, but in doing so he is not at liberty, nor does he think it necessary, to avail himself of the assistance of any other Power. He cannot therefore enter into such an arrangement as is suggested in your Lordship's note, for a concert of action between the ships of war of the United States and Great Britain in order to arrest the expedition referred to. His reasons for declining such a concurrence will doubtless be appreciated by your Lordship, as I assure you the friendly motives which must have prompted its suggestion are also appreciated by Very truly yours.

<sup>1</sup> Notes to Great Britain, vol. 8.

<sup>2</sup> Not found.

<sup>3</sup> See this proposal, above, vol. IV, p. 610, note 2; and also, in the same part, the covering note from Mr. Irisarri, the Nicaraguan minister to the United States, dated October 16, 1857, doc. 1400.

## 2786

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*

No. 86

WASHINGTON, November 23, 1857.

[The same as instruction No. 131, of this date, to John Y. Mason, envoy extraordinary and minister plenipotentiary of the United States to France, concerning the treaty between the United States and Nicaragua respecting the transit route.]<sup>1</sup>

## 2787

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>2</sup>

No. 87

WASHINGTON, November 24, 1857.

SIR: I herewith transmit to you, for your information the copy of two notes under the respective dates of the 9<sup>th</sup> and 20<sup>th</sup> ultimo, which have passed between Lord Napier and myself,<sup>3</sup> on the subject of the existing relations between Nicaragua and Costa Rica.

I am [etc.].

## 2788

*Lewis Cass, Secretary of State of the United States, to Lord Napier, British Minister to the United States*<sup>4</sup>

WASHINGTON, April 6, 1858.

MY LORD: Your recent communications in reference to an adjustment of the Central American questions<sup>5</sup> make it necessary that I should correct a misapprehension which seems to be entertained by Her Majesty's Government, concerning the views of the President on the subject.

The President has always regretted the differences between the United States and Great Britain which have grown out of their different constructions of the Clayton Bulwer Treaty, and has been sincerely desirous to see them amicably arranged. In proof of this friendly disposition, he gave his sanction to the Dallas Clarendon treaty of 1856 as amended by the Senate, notwithstanding the objections which your Lordship is aware he entertained to some of its provisions. When this treaty had failed in consequence of the refusal of Great Britain to ratify it in its amended form, he was confidentially

<sup>1</sup> Above, vol. vi, doc. 2501.

<sup>2</sup> Instructions, Great Britain, vol. 17.

<sup>3</sup> The former is below, this volume, pt. II, doc. 3099, but the latter was not found.

<sup>4</sup> Notes to Great Britain, vol. 8.

<sup>5</sup> No communications from the British Minister on this subject, bearing a later date than February 15, 1858, were found. For the note of that date and for others preceding it on the same subject, see below, this volume, pt. II, *passim*.

informed by Your Lordship, on the 19<sup>th</sup> of October last, in an interview which you had sought for the purpose,<sup>1</sup> "that Her Majesty's Government had considered the several alternatives of action which were open to their selection, and in a review of the whole case, had resolved to despatch a representative of authority and experience to Central America, charged to make a definitive settlement of all the matters with regard to which the United States and England are still at variance." Your Lordship added that Sir William Gore Ouseley had been selected as this representative, and that, while you were unable to explain the precise character of his instructions, you "believed it was the intention of Her Majesty's Government to carry the Clayton Bulwer Treaty into execution according to the general tenor of the interpretation put upon it by the United States, but to do so by separate negotiations with the Central American Republics in lieu of a direct negotiation with the Federal Government." In reply to this communication you were assured by the President that "if the resolutions of Her Majesty's government were such as you had related and they really meant to execute the Clayton Bulwer Treaty according to the American interpretation this was as much as he could insist upon," and "to him it was indifferent whether the concession contemplated by Her Majesty's Government were consigned to a direct engagement between England and the United States, or to treaties between the former and the Central American Republics." In reply to a further suggestion of your Lordship in respect to what might be the character of his message to Congress on this subject he frankly stated that if before the meeting of Congress he should receive an official announcement on the subject such as he could use, he would refer to Sir William Ouseley's Mission in his message, and ["'] nothing would give him greater pleasure than to add the expression of his sincere and ardent wish for the maintenance of friendly relations between the two countries."<sup>2</sup> The President also distinctly stated, in reference to some apprehension expressed by Your Lordship, lest the mission of Sir William Ouseley might be frustrated by an attempt in Congress to annul the Treaty—an attempt which your Lordship thought would have a "calamitous influence on the future relations of England and America",—that ["'] under the circumstances here described no attempt against the Clayton Bulwer Treaty would have any countenance from him whatever."<sup>3</sup> He did not fail, however, to point out to Your Lordship that no stipulations in respect to the Bay Islands, similar to those contained in the convention then pending

<sup>1</sup> This interview is reported in the British Minister's despatch to the British Secretary of State for Foreign Affairs, dated October 22, 1857, for which see below, this volume, pt. II, the first document in note 3, p. 725.

<sup>2</sup> In several of the quotations in this note, taken from the British Minister's despatch of October 22, 1857 (see this volume, pt. II, p. 725), either the opening or closing quotation mark is omitted. The missing marks have therefore been inserted in brackets after checking the quotations with the document in question.

<sup>3</sup> In the report of the interview as given in the British Minister's despatch (this volume, pt. II, p. 725), the words "in Congress" appear after the word "Treaty."

between Great Britain and Honduras, would be regarded by the American Government as a satisfactory compliance with the Clayton Bulwer treaty; and Your Lordship in return, [""] allowed that the articles establishing the administrative independence of the islands might have been larger than was necessary," but made no doubt Her Majesty's Government would entertain any reasonable suggestions which might be afforded them in that sense, [""] and [""] Sir William Ouseley would probably have power to enter upon it (the discussion) in a liberal spirit."

According to Your Lordship's account of the interview, of which I have freely availed myself in this narrative, you thanked the President for his assurances, and expressed your hope [""] that your Lordship (Lord Clarendon) would be enabled to make a full communication of Sir William Ouseley's instructions to the American Cabinet, and even to direct that Minister to visit Washington on his way to Central America if His Excellency (the President) thought such a step desirable".<sup>1</sup>

In a second interview with the President on the 24<sup>th</sup> of October,<sup>2</sup> your Lordship reiterated your "belief that the instructions of Sir William Ouseley would in fact enable him to sanction the execution of the Treaty by direct arrangements with the Central American Republics, in conformity with the general tenor of the interpretation placed upon them by the United States," and then proceeded to suggest how important it was therefore, "to know what is the sense attached to the Clayton Bulwer Treaty by the Government of the United States.[""] These expressions were met by the President in the same friendly spirit which he had manifested at the previous interview, and while in response to your Lordship's suggestion he did not fail to mention what he regarded as the leading requirements of the Clayton Bulwer Treaty according to the American construction of it, he withdrew nothing of his previous assurance that an adjustment of the Central American questions according to that construction, would be entirely acceptable to him, whether this adjustment should be made by direct negotiation with the Central American States or by a treaty between the United States and Great Britain.

Similar views to those which were thus expressed by Your Lordship in these conversations had been previously communicated to me in the same confidential manner and by me reported to the President. On the 30<sup>th</sup> of November however, I received from Your Lordship an official notice of Sir William Ouseley's mission, together with a statement in outline of its leading objects.<sup>3</sup> This statement not only did not communicate the full instructions

<sup>1</sup> The British Minister's account of the interview reads, "such a step would be advisable" instead of "desirable" as here quoted.

<sup>2</sup> This interview was actually held on October 23. It was reported, however, in the British Minister's despatch to the British Secretary of State for Foreign Affairs, dated the 24<sup>th</sup>, which is below, this volume, pt. II, the second document in note 3, p. 727.

<sup>3</sup> The above information is contained in the first note, dated November 30, 1857, from the British Minister, below, this volume, pt. II, doc. 3101.

under which that Plenipotentiary was to carry into effect the Clayton Bulwer Treaty according to the American construction of it, but left it to be inferred that the new negotiations were to be based, not upon the treaty of 1850, but upon the Dallas Clarendon Treaty of 1856. The special commission, according to your Lordship's communication, was "charged with the duty of negotiating arrangements conformable in general character to those contemplated by the Treaty signed by the Secretary of State for Foreign Affairs and the United States Minister in 1856, but subject to certain modifications which may be consistent with the just claims of the Central American Republics, with the general welfare of trade, with the vested interests of British subjects, and which will be, at the same time, agreeable to the wishes of the United States." This substitution as a basis of the new negotiations of a treaty which had never represented the views and policy of this Government, which had undergone important alterations in the Senate, which even after these alterations had been adopted with hesitation both by the President and the Senate, as a "compromise" for the sake of peace, and which at last, had been rejected by Great Britain because it was unwilling to sanction the Senate's amendments to it—this substitution of the Dallas Clarendon treaty, with some undefined modifications instead of the plain and precise basis which was implied in the American construction of the convention of 1850, could not fail to arrest the attention of the President and increase his anxiety to receive a more definite account of Sir William Ouseley's instructions. This anxiety was not diminished by the despatch of Lord Clarendon, of November 20<sup>th</sup> which was transmitted with your Lordship's communication of Dec<sup>r</sup> 5<sup>th</sup>,<sup>1</sup> for in that despatch not only was the Dallas Clarendon Treaty referred to as a basis of the new negotiations, without any explanation whatever of the precise modifications which the Commissioner was authorized to make in its provisions, but it was even urged as a matter of "concern and disappointment" that the Government of the United States, "so far from desiring to facilitate the adjustment of these questions are inclined to require admissions on the part of this country (Great Britain) which if made, would render all negotiation superfluous." Since the only condition which had been made by this Government was that the treaty should be executed according to the American construction of it and this condition had been, moreover a part of the original proposition made by your Lordship to the President, it is difficult to understand how the expression of it in your report of your interviews with the President could have occasioned Lord Clarendon either "concern" or "[dis]appointment." Equally surprising was the declaration of His Lordship in the same despatch, that "it cannot be expected that the British Government which entertains no doubt as to the true intent and meaning

<sup>1</sup> See below, this volume, pt. II, doc. 3103; and see the accompanying document in note 4 thereto, p. 730.

of the Clayton Bulwer Treaty, should abandon their opinion in order to adopt the adverse interpretation put upon that Treaty by the Government of the United States" because it was according to the general tenor of this very interpretation that Your Lordship informed the President on the 19<sup>th</sup> of October,<sup>1</sup> you believed it was the intention of H. M. Government to carry the Clayton Bulwer Treaty into execution, and it was only upon this basis that the President had given the assurances to Your Lordship to which I have already adverted. In view of the tone and language of this despatch of Lord Clarendon the President might have been fully justified in withdrawing these assurances of October last, because the condition upon which they were given appeared now to be unsatisfactory to Her Majesty's Government. But since he was assured that Her Majesty's Government desired to persevere in the Mission of Sir William Ouseley, and since it was only reasonable to believe that this mission had been undertaken in a friendly spirit, he determined to do nothing which might either frustrate or delay it, unless he should feel compelled to do so after receiving that full information on the subject which he still had reason to expect. Accordingly in his Message to Congress, after describing the position which the Central American question then occupied, he added

Whilst entertaining these sentiments I shall nevertheless not refuse to contribute to any reasonable adjustment of the Central American questions which is not practically inconsistent with the American interpretation of the Treaty. Overtures for this purpose have been recently made by the British Government in a friendly spirit which I cordially reciprocate; but whether this renewed effort will result in success I am not yet prepared to express an opinion. A brief period will determine.

The view here taken of Sir William Ouseley's Mission is precisely that which was taken of it in your Lordship's interviews with the President of the 19<sup>th</sup> and 24<sup>th</sup> of October, and precisely that which this Government has ever since steadily maintained. Soon after the meeting of Congress, it was understood that some delay was thought necessary in the prosecution of the mission, in consequence of the expedition of Walker and the Treaty which had been negotiated between the United States and Central America,<sup>2</sup> concerning both of which events Your Lordship seemed desirous to ascertain the opinions of your Government. In repeated conversations with Your Lordship on this subject I was led to infer that when these opinions were known, I should receive a further communication in reference to the instructions and purposes of Her Majesty's Special Commissioner, and in these

<sup>1</sup> This interview is reported in the British Minister's despatch to the British Secretary of State for Foreign Affairs, dated October 22, 1857, which is below, this volume, pt. II, the first document in note 3, p. 725.

<sup>2</sup> He presumably refers to the Case-Irisarri Treaty, signed at Washington, November 16, 1857, but which never became effective. See vol. IV, pt. II, *passim*, concerning the negotiations.

interviews I was careful to express my sincere hope that these instructions and purposes would be found of such a character as to meet the cordial concurrence of the President. No such communication however has been received, and this Government has now no more definite information concerning Sir William Ouseley's mission, than it had when the President referred to it in his message to Congress on the 8<sup>th</sup> of December. I am instructed therefore, to request from your Lordship a full and definite statement of the arrangements by which it is proposed that this mission shall carry into effect the Clayton Bulwer Treaty, according to the American interpretation of it. This request, as your Lordship must perceive, has become necessary in reference to Sir William Ouseley's mission, in which the President has been placed by the proceedings of Her Majesty's Government [*sic*].

The President has expressed his entire concurrence in the proposal for an adjustment of the Central American questions which was made to him by your Lordship last October, and he does not wish that any delay or defeat of that adjustment shall be justly chargeable to this Government. Since, however, he is asked to coöperate in the arrangement by which it is expected to accomplish it, it is essential that he should know with reasonable accuracy what those arrangements are.

This information becomes the more important in consequence of the idea which seems to prevail in Lord Clarendon's despatches [*despatch?*] of November 20<sup>th</sup><sup>1</sup> that the American interpretation of the Clayton Bulwer Treaty of 1850, was to be found in the provisions of the Dallas Clarendon Treaty of 1856. I need not repeat to Your Lordship that this idea is clearly erroneous, because Your Lordship is aware that the Treaty of 1856 was an attempt to reconcile the conflicting views of the two Governments and did not pretend to adopt, in their full extent the claims of either. Without however, any further reference to this rejected Treaty, I am instructed by the President to express his sincere hope that the more perfect information which he hopes to have concerning the Mission of Sir William Ouseley, may justify him in anticipating from it a substantial execution of the Clayton Bulwer Treaty according to the general tenor of the American interpretation of it. In that event he will be happy to give it his cordial cooperation, and to direct the Ministers of the United States in Central America to render any assistance in their power towards promoting its success.

The prosecution of this mode of adjustment I need hardly to remind Your Lordship, must necessarily exclude the adoption of any other alternative. I was surprized, therefore, on the 27<sup>th</sup> of October, only eight days after the interview with the President in which your Lordship had announced the Mission of Sir William Ouseley, and the President had expressed his concurrence in it, to hear your Lordship, in conversation, at this Department,

<sup>1</sup> See below, this volume, pt. II, p. 730, note 4.

propose a different alternative, and renew the offer of arbitration which had been previously declined by this Government, and which I did not hesitate to decline again.<sup>1</sup> On the 30<sup>th</sup> of November, the very day when the first official announcement was made of Sir William Ouseley's Mission, I was still more surprised that this offer of arbitration was formally renewed,<sup>2</sup> but I regarded it as sufficiently answered by the express concurrence of the President in the mode of adjustment contemplated by that mission, even if it had not been twice rejected before. In conversation with your Lordship since this last offer, I have freely expressed to you my views concerning it, but in order to avoid any misapprehension on the subject, I am instructed to inform you that the reasons which caused the rejection of the offer of arbitration when it was first proposed by Great Britain, still exist, and that for these reasons it is again declined.

Should Sir William Ouseley's Mission be successful in giving effect to the Clayton Bulwer Treaty according to the American construction of it, it will be unnecessary of course for either the United States or Great Britain to consider the question of its abrogation. Had this abrogation been promptly made as soon as it was discovered, that the treaty was understood by the parties to it, in senses directly opposite, it is quite possible that the Central American questions might have been adjusted ere this to the satisfaction of both Governments. And if the abrogation could be accomplished now, by substituting a new adjustment of these questions for that which has led to so much discussion in the convention of 1850, this might be a fortunate termination of the whole controversy. But after eight years of fruitless negotiation, to abandon the Treaty without any arrangement whatever of the difficulties out of which it grew, would be almost to abandon at the same time, all hope of adjusting these difficulties in a peaceful manner.

In a recent conversation with your Lordship on this subject, I understood you to say that while Great Britain might possibly consent to dissolve the treaty, it would in your belief expect the dissolution to be accompanied by some stipulations which Her Majesty's Government desire to have in respect to the transit routes across the Isthmus, but that it had no intention, in that event, of relinquishing any of the possessions which it now has in Central America. With this understanding of your suggestion, I replied that in my judgment, the President would never consent, while Great Britain continued to maintain her Central American possessions, to make new concessions to her interests of that quarter, but would prefer rather, that the dissolution of the Treaty should be naked and unconditional. From Your Lordship's "confidential" note to Lord Malmesbury of the 22<sup>nd</sup> ultimo, I

<sup>1</sup> See the British Minister's despatch to the British Secretary of State for Foreign Affairs, on this date, reporting this conversation, below, this volume, pt. II, third document in note 3, p. 729.

<sup>2</sup> See second document, dated November 30, 1857, from the British Minister, below, this volume, pt. II, doc. 3102.



now learn that in advising certain new stipulations to accompany the repeal of the Treaty of 1850 should such a repeal be determined on, you had "never designed to represent those suggestions as official or unalterable, or to intimate that Her Majesty's Government would not listen to an amicable proposal for a simple revocation of the Treaty alluded to." <sup>1</sup> I understand your

<sup>1</sup> This quotation is from the second of the two following despatches of March 22, 1858, from the British Minister to the British Secretary of State for Foreign Affairs, which were apparently received at the Department unofficially soon after the date on which they were written, and copies of which were found in Notes from Great Britain, vol. 36.

*Lord Napier, British Minister to the United States, to the Earl of Malmesbury, British Secretary of State for Foreign Affairs*

No. 70—Confidential.

WASHINGTON, March 22, 1858.

MY LORD: The overtures made by Her Majesty's late Cabinet to the Government of the United States for the adjustment of pending controversies in Central America are known to Your Lordship from the correspondence between the Foreign Office and H. M.'s. Legation on this subject [See below, this volume, pt. II, p. 724, note 3.—Ed.].

Those proposals comprise an alternative submitted to the selection of the American Government—H. M. Gov<sup>mt</sup> have offered to refer all controverted points in the Treaty of 1850 to the free arbitration of any European power, or if more agreeable to the United States they design to adjust the matters under discussion by negotiation with the Isthmus Republics to which through the medium of Sir William Ouseley's mission they are prepared to make such concessions as would carry the Treaty of 1850 into operation, in the most important particulars, according to the construction placed upon that Instrument by the Cabinet of Washington.

These modes of settlement both involve the maintenance of the Clayton-Bulwer Treaty in its essential principle viz the neutrality of the Central American region, the exclusion of the contracting parties from territorial acquisition in a Country which from its configuration and position possesses a common and momentous interest to the maritime powers.

The conciliatory inclinations of H. M. Gov<sup>mt</sup> have however not stopped here; Prompted by an impression derived from many sources that the obligations of the Clayton-Bulwer Treaty were repugnant to the people of the United States, and influenced, no doubt, by the declaration of the President in his late Message to Congress in which he intimates a desire for an amicable dissolution of that Convention, the Earl of Clarendon authorized me privately to inform General Cass that H. M. Gov<sup>mt</sup> would not decline the consideration of a proposal for the abrogation of the Treaty by mutual concert.

An official character was not given to this communication because the recent overtures of H. M. Gov<sup>mt</sup> are still under the consideration of the President, and because it seems most natural that the proposal for the repeal of the Treaty should emanate from the Party to which we are told it has been onerous and unacceptable.

I have accordingly on two occasions informed General Cass that if the Government of the United States be still of the same mind and continue to desire the abrogation of the Treaty of 1850, it would be agreeable to H. M. Gov<sup>mt</sup> that they should insert a proposal to that effect in their reply to my Note respecting arbitration, and to that in which I explained the character and motives of the Mission entrusted to H. M. Commissioner in Central America [See the British Minister's two notes of November 30, 1857, below, this volume, pt. II, docs. 3101 and 3102.—Ed.]. Some conversation ensued regarding the manner in which the dissolution of the Treaty should be effected and the conditions by which it might be accompanied, and on these topics I have held the following language premising the views expressed were altogether spontaneous and personal for I had no information of the intentions of H. M. Gov<sup>mt</sup> beyond the bare fact privately imparted, that they would entertain a proposal to cancel the engagements of 1850 emanating from the United States.

I stated that in my opinion the Treaty in question could only be repealed by a new Treaty in the usual forms and that it might be desirable that such a Treaty should not be restricted to a single Article annulling its predecessor. Both for considerations of decency and policy I advocated the insertion of stipulations involving an expression of common policy in Central America, and the disavowal of any exclusive or monopolizing

Lordship, however, to remain firmly of opinion that if the Treaty should be dissolved Her Majesty's Government would relinquish none of its pretensions in Central America, and that the Bay Islands especially "would remain attached to the British Crown.["]?"

projects on either side. I said that I thought a Treaty might be framed of these Articles; The first should declare the desire of the contracting Parties to encourage and protect the organization of Transit Routes in the Inter-oceanic Region and bind those parties never to negotiate for any rights or privileges of Transit with the Central American States of a preferential or exclusive character to which other Nations might not, by negotiation, be equally admitted, establishing thus the principle of an equal enjoyment of those avenues of Trade for all the Countries of the world.

The second Article might recognize the jurisdiction of the transit Route by the San Juan River as being vested in the Government of Nicaragua. This had been already avowed by the United States in a Treaty negotiated with that Republic. It had not been definitively affirmed by Great Britain and might seem to clash with the Claims of the King of Mosquitia to territorial possession or authority in those parts. I thought however, that in regard to the views lately expressed by H. M. Gov<sup>mt</sup> the course of recent Negotiations in consideration of the necessity of obtaining a suitable Treaty with Nicaragua, and for the purpose of placing themselves in harmony with the course pursued by the United States H. M. Gov<sup>mt</sup> might on this head, accede to an article which would practically restrict their protectorate in Mosquito, and prevent the imputation of any interference on their part with the Territory traversed by the River and therefore by the Transit Route.

Finally I suggested that the 3<sup>rd</sup> Article of the Treaty should simply declare the provisions of the Treaty of 1850 to be void and of no effect. I added that the question of future territorial acquisition in Central America would thus be thrown open to the United States, that H. M. Gov<sup>mt</sup> on their part would retain the Colony of Honduras in the proportions which might be given to it by Treaty arrangements with Guatemala; and that the Bay Islands should remain attached to the British Crown. Indeed I affirmed, still as a personal opinion, but of the most positive character, that in case of the dissolution of the Clayton-Bulwer Treaty the Bay Islands would not be relinquished by H. M. Gov<sup>mt</sup>. I felt bound to make this statement having observed in some quarters an impression that H. M. Gov<sup>mt</sup> might be disposed not only to annul the Treaty, thus opening a path for the neutral annexation of the Isthmus to the Federal Union, but to give up the Bay Islands as well, a notion altogether unfounded in any intimation which has hitherto reached me from the Foreign Office and which could not be reconciled in my opinion to the interests of England.

In reply to my observations the Secretary of State remarked that he would reserve the subject for the consideration of his Government he added, as a personal impression, that he was in favor of a naked unqualified repeal of the Clayton-Bulwer Treaty, without conditions, and that such a repeal should be effected in the form of a Treaty, though he alluded with a certain deprecation, to the contingency of the dissolution of the Treaty by Act of Congress.

He also thought, however, that the matters at issue might be adjusted through the mission of Sir William Ouseley.

I was most careful to mark throughout, that the opinions I enunciated with reference to the conditions under which the Treaty should be abrogated were exclusively my own and that it belonged to the Government of the United States to offer a suggestion for the purpose in question as the overtone should proceed from them. The only point on which I spoke with determination was that of the surrender of the Bay Islands in which I trust I have not misinterpreted the sentiments of H. M. Gov<sup>mt</sup>. On the whole I did not think that my informal communication was as favorably received as the previous declarations of the President and the Secretary of State on this subject might have warranted me in expecting.

I have [etc.].

*Lord Napier, British Minister to the United States, to the Earl of Malmesbury, British Secretary of State for Foreign Affairs*

No. 71—Confidential.

WASHINGTON, March 22, 1858.

MY LORD: To avoid all misunderstanding respecting the import of my private overtures for the abrogation of the Clayton Bulwer Treaty by friendly concert between the

Since it is well known that the views of this Government are wholly inconsistent with these pretensions and that it can never willingly, therefore acquiesce in their maintenance by Great Britain, your Lordship will readily perceive what serious consequences might follow a dissolution of the Treaty, if no provision should be made at the same time, for adjusting the questions which led to it. If therefore the President does not hasten to consider now the alternative of repealing the Treaty of 1850, it is because he does not wish prematurely to anticipate the failure of Sir W<sup>m</sup> Ouseley's mission, and is disposed to give a new proof to Her Majesty's Government of his sincere desire to preserve the amicable relations which now happily subsist between the two countries.

I have the honor [etc.].

Contracting parties, I waited on General Cass this afternoon and read to him my Despatch marked No. 70. Confidential [Above, in this footnote.—Ed.]. I have reason to be satisfied that I did so, for I have had an opportunity of removing some misapprehension from the mind of the Secretary of State, which might have embarrassed the free action of the United States Gov<sup>t</sup> and prevented that full declaration of their views which I feel confident Her Majesty's Gov<sup>t</sup> desire to elicit.

The Secretary of State had entertained the impression that in stating the conditions, upwards of a month ago, under which I thought the treaty of 1850. might be abrogated, I intended to convey that Her Majesty's Gov<sup>t</sup> had decided against the unconditional repeal of the treaty. General Cass added that in his opinion, the President would not accede to any stipulations being attached to the dissolution of the Treaty but that he would be favourable to the simple abrogation of that Instrument, by a new treaty consisting of a single Article.

I explained, in reply to General Cass, what I regret I did not convey more distinctly to him before, though I certainly intended to do so, that in advising the repeal of the Treaty of 1850. with the substitution of certain articles, I merely stated my own private opinions founded on a general impression of the views of my Gov<sup>t</sup>, but that I had never designed to represent those suggestions as official, or unalterable, or to intimate that H. M. Gov<sup>t</sup> would not listen to an amicable proposal for the simple revocation of the Treaty alluded to. I consequently begged General Cass to state to the President that if, on due reflection, the method of arbitration would be definitively declined, and if the mission of Sir W. G. Ouseley under his present instructions, should not be thought calculated to further the object in view, H. M. Gov<sup>t</sup> would, in my humble opinion, consider an overture for the dissolution of the treaty without conditions, however much they might prefer that certain provisions should be annexed to it's revocation. I added that I believed the stipulations I had sketched out, were as much in the interest of the United States as in that of England, and were therefore deserving of his attention, but that the main object was to know the wishes of his Gov<sup>t</sup> in an official form and bring them under discussion, I could not guarantee that they would be accepted, but I was sure they would be entertained in a conciliatory spirit.

I then adverted to reports which have been lately circulated to the effect that the Clayton Bulwer Treaty had been debated in the Committee of Foreign relations in the House of Representatives, and I said that I thought that it was desirable that the Chairman of the Committee should be accurately informed of the state of the negotiation, and the views of H. M. Gov<sup>t</sup>, lest some precipitate resolutions should be adopted or discussed in Congress on imperfect intelligence, which would create a feeling of dissatisfaction in England.

The Secretary of State assured me that the purport of my communication should be conveyed to the President, and I took leave of him promising that I would place in his hands as a record of our conversations copies of my Despatches marked confidential of the present date—

I have [etc.].

2789

*Lewis Cass, Secretary of State of the United States, to George M. Dallas,  
United States Minister to Great Britain*<sup>1</sup>

No. 96

WASHINGTON, April 8, 1858.

SIR: I herewith transmit to you for your information the copy of a note of the 6<sup>th</sup> instant addressed by this Government to Lord Napier,<sup>2</sup> relative to the adjustment of the Central American questions.

I am [etc.].

2790

*Lewis Cass, Secretary of State of the United States, to George M. Dallas,  
United States Minister to Great Britain*<sup>3</sup>

No. 100

WASHINGTON, April 26, 1858.

SIR: With my N<sup>o</sup> 96, of the 8<sup>th</sup> instant,<sup>4</sup> I transmit[ed] to you the copy of a note of the 6<sup>th</sup> of this month addressed by this Department to Lord Napier<sup>5</sup> relative to the adjustment of the Central American questions. I now enclose to you for your information a copy of his Lordship's reply.<sup>6</sup>

I am [etc.].

2791

*Lewis Cass, Secretary of State of the United States, to George M. Dallas,  
United States Minister to Great Britain*<sup>7</sup>

No. 102

WASHINGTON, May 12, 1858.

SIR: Your despatches to N<sup>o</sup> 99, inclusive, with a printed Notification of the raising of the blockade of the port and river of Canton, have been received.

Your conversation with Lord Malmesbury with regard to the Central American questions as reported to this Department<sup>8</sup> is considered by the President as very satisfactory.

I am [etc.]

<sup>1</sup> Instructions, Great Britain, vol. 17.

<sup>2</sup> Above, this part, doc. 2788.

<sup>3</sup> Instructions, Great Britain, vol. 17.

<sup>4</sup> Above, this part, doc. 2789.

<sup>5</sup> *Ibid.*, doc. 2788.

<sup>6</sup> Below, this volume, pt. II, April 12, 1858, doc. 3107.

<sup>7</sup> Instructions, Great Britain, vol. 17.

<sup>8</sup> See Dallas's despatches, Nos. 98 and 99, April 9 and 13, 1858, below, this volume, pt. II, docs. 3106 and 3108.

2792

*Lewis Cass, Secretary of State of the United States, to Francis J. Grund,  
Special Agent of the United States in Europe*<sup>1</sup>

[EXTRACTS]

WASHINGTON, June 18, 1858.

SIR: There are several subjects of importance before the Department affecting our relations with Europe, upon which it is desirable to obtain more definite and accurate information than we now have. For the purpose of supplying this want, as far as you may be able to do so, you are hereby appointed a special agent of the United States, and will proceed without delay to your destination.

It is expected that you will, in the first instance, visit London, because, at this time, as you are aware, the subject of the right of visit or search in time of peace upon the ocean has been recently exercised in the West Indies by British Cruisers, and it may be important to know the actual state of public opinion in England with reference to it. Your inquiries will naturally extend moreover, to the views which exist in prominent quarters there concerning those Central American questions which now attract so deep an interest on this side of the Atlantic. . . .<sup>2</sup>

These inquiries will be properly made in France as well as in England, and in respect to Central America there is especial reason for ascertaining the probable views of the French government. A contract is said to have been recently made by a foreign Company with Costa Rica and Nicaragua to which is appended in the Newspapers a memorandum invoking the protection of England, France and Sardinia for these Countries. Is the Canal Scheme exclusively a private speculation? Are there influential parties engaged in it? Has it in any sense the sanction of the Emperor? Is there the slightest probability that the protection referred to will be extended by either of the three Powers who are invited for the purpose? These are interesting questions upon which you may be able to afford some important information.<sup>3</sup>

<sup>1</sup> Special Missions, vol 3

Francis J Grund, to whom this instruction was addressed, was appointed on June 18, 1858 as special agent of the United States in Europe His letter of recall was dated May 25, 1859

<sup>2</sup> The omitted portion contains instructions relating to the commerce of certain European countries

<sup>3</sup> The remaining part of this document concerns instructions relating to the commerce of certain European countries. It also concerns Mr Grund's salary and charges him with the secrecy of his mission

2793

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain<sup>1</sup>*

[EXTRACT]

Private.

WASHINGTON, July 1, 1858.

Our Mexican and Central American concerns give us a good deal of uneasiness. We have heard of nothing more distinct respecting the objects of the Mission of Sir William Ouseley nor of the purposes of the British Government. This irritating question of the right of search being now out of the way I trust we shall come to an understanding as to the other matter.

Mexico seems to be in a state of disintegration, and what measures it will be proper to adopt in the critical state of our relations with that country, it is difficult to tell. However, something must be done.

The Central American imbroglio becomes worse and worse. It is however under consideration, and I think we shall adopt a very decided course in relation to the dishonest Governments in that region.

I am [etc.].

2794

*Lewis Cass, Secretary of State of the United States, to Lord Napier, British Minister to the United States<sup>2</sup>*

WASHINGTON, November 8, 1858.

MY LORD I have had the honor to receive the copy which Your Lordship did me the favor to send me of Lord Malmesbury's despatch to Your Lordship of August 18<sup>th</sup>,<sup>3</sup> in reference to Sir William Ouseley's Mission, and

<sup>1</sup> Instructions, Great Britain, vol 17

The omitted portion at the beginning of this document discusses the abandonment by Great Britain of the right of search principle

<sup>2</sup> Notes to Great Britain, vol 8

<sup>3</sup> This document, which follows, was found in Notes from Great Britain, vol 37, and, according to the British Minister's note to the Secretary of State, dated November 14, 1858, below, this volume, pt 11, doc 3110, was read and delivered to the latter on September 9, 1858

*Earl of Malmesbury, British Secretary of State for Foreign Affairs, to Lord Napier, British Minister to the United States*

No 107

POTSDAM, August 18, 1858

MY LORD Her Majesty's Government having received on the 6<sup>th</sup> of April last a Note from General Cass [Above, this part, doc 2788 —Ed ], in which His Excellency asks for a more exact definition of the objects of Sir William Ouseley's Mission, Your Lordship will state to General Cass that it was from no want of respect for his communication that they have not replied to it before, but because they have in fact nothing to add to the explanations given by Sir William and by Your Lordship upon the subject

After the several proposals made on the part of Her Majesty's Government to the Government of the United States, involving the principles of modification and arbitration upon the several points of difference between them, and the subsequent refusal of the United States Government to entertain either the one or the other, Her Majesty's

have submitted it to the consideration of the President. From the statement of Lord Malmesbury, that the British Government has no remaining alternative ["]but that of leaving the Cabinet of Washington to originate any further overtures for an adjustment of these controversies"<sup>1</sup> it is quite obvious that the position of the President on this subject is not correctly understood by H. M. Government. Since the announcement by Your Lordship in October 1857 of Sir William Ouseley's special Mission,<sup>2</sup> the President has awaited, not so much any new proposition for the adjustment of the Central American questions, as the statement in detail, which he had been led to expect, of the method by which Sir William Ouseley was to carry into effect the previous proposition of the British Government. To make this plain, Your Lordship will pardon me for making a brief reference to what has occurred between the two Governments in respect to Central America, since the ratification of the Clayton Bulwer Treaty of 1850. While the declared object of that Convention had reference to the construction of a ship canal by the way of San Juan and the lakes of Nicaragua and Managua, from the Atlantic to the Pacific Oceans, yet it avowed none the less plainly, a general principle in reference to all practicable communications across the Isthmus and laid down a distinct policy by which the practical operation of this principle was likely to be kept free from all embarrassment. The principle was that the Inter oceanic routes should remain under the Sovereignty of the States through which they ran and be neutral and free to all nations alike. The policy was, that in order to prevent any government outside of those States, from obtaining undue control or influence over these

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Government had entertained the hope that the Government of the United States would have thought it advisable to initiate some suggestions of their own.

This expectation was increased by the declaration of General Cass in his Note of the 6<sup>th</sup> of April, that the Government of the United States would not agree to the abrogation of the Clayton Bulwer Treaty, a demand which I must observe has never been made by Her Majesty's Government, but a subject which it appears Your Lordship had touched upon in a non-official conversation with Members of the United States Government.

Her Majesty's Government would have disapproved of Your Lordship's having made it the topic of private discourse with a Minister of the United States, were they not aware that it had been treated by the President in his Message as one far from repulsive to his sentiments, and that You had therefore good reason to believe that the United States Government might look upon such a contingency with favor.

But the declaration of General Cass against any such abrogation appears to Her Majesty's Government completely to exhaust all the means of arrangement at their disposal, and to leave them no alternative but that of leaving to the Cabinet of Washington to originate any further overtures for an adjustment of these controversies.

I am [etc.].

P. S. You will read this Despatch to General Cass and leave a Copy of it with His Excellency. (S<sup>d</sup>) M.

<sup>1</sup> Quotation marks omitted in the original manuscript of this note have been inserted in brackets wherever it has been possible to check the quoted matter with the document concerned.

<sup>2</sup> See the British Minister's despatch to the British Secretary of State for Foreign Affairs, dated October 22, 1857, below, this volume, pt. II, the first document in note 3, p. 725, reporting his interview with the President in regard to this mission.

inter oceanic transits, no such nation should "erect or maintain any fortifications commanding the same or in vicinity thereof," or should ["]occupy or fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast or any part of Central America." So far as the United States and Great Britain were concerned, these stipulations were expressed in unmistakeable terms, and in reference to other nations it was declared that the Contracting parties in this Convention engage to invite every State with which both or either have friendly intercourse, to enter into stipulations with them similar to those which they have entered into with each other. At that time the United States had no possessions whatever in Central America and exercised no dominion there. In respect to this Government, therefore, the provisions of the first article of the Treaty could operate only as a restriction for the future; but Great Britain was in the actual exercise of dominion over nearly the whole Eastern Coast of that country and in relation to her, this article had a present as well as a prospective operation. She was to abandon the occupancy which she already had in Central America, and was neither to make acquisitions or erect fortifications or exercise dominion there in the future. In other words she was to place herself in the same position, with respect to possessions and dominion in Central America which was to be occupied by the United States, and which both the contracting parties to the Treaty engaged that they would endeavor to induce other nations to occupy. This was the Treaty as it was understood and assented to by the United States, and this is the Treaty as it is still understood by this Government. Instead, however, of giving effect to it, in this sense, the British Government proceeded in 1851 only a few months after the signature of the Treaty, to establish a new British Colony in Central America, under the name of the "Bay Islands"; and when this Government expressed its great surprise at this proceeding and at the failure of Great Britain to comply with the terms of the Convention, Her Majesty's Government replied that the Islands already belonged to Great Britain at the date of the Treaty, and that the Convention, in their view of it, interfered with none of their existing possessions in Central America, but was wholly prospective in its character, and only prevented them from making new acquisitions. It is unnecessary to do more than simply refer to the earnest and able discussions which followed this avowal, and which shew, more and more plainly, the opposite constructions which were placed upon the Treaty by the Two Governments.

In 1854, it was sought to reconcile these constructions and to terminate the Central American questions by the Convention which was signed at London by the American Minister and Lord Clarendon, usually designated the Dallas Clarendon Treaty.<sup>1</sup> The terms of this treaty are, doubtless familiar

<sup>1</sup> This treaty was not signed until October 17, 1856. It is below, this volume, pt. II, p. 688, note 2.



to your Lordship. It provides, 1. for the withdrawal of the British Protectorate over the Mosquito Indians, and for an arrangement in their behalf upon principles which were quite acceptable to the United States. 2. It regulated the boundaries of the Belize settlements within which Great Britain claimed to exercise certain possessory rights, upon terms which, although not wholly acceptable to this Government, were yet in a spirit of generous concession, ratified by the United States Senate. 3. It provided for a cession of the Bay Islands to Honduras; (in the opinion of this Government their rightful proprietor,) but this concession was made dependent upon an unratified treaty between Great Britain and Honduras, whose terms were not officially known to this Government, but which, so far as they had unofficially appeared, were not of a satisfactory character. The Senate, therefore in ratifying the Dallas Clarendon Treaty felt obliged to amend it<sup>1</sup> by striking out all that part of it, which contemplated the concurrence of this Government in the Treaty with Honduras, and simply providing for a recognition by the two Governments of the sovereign right of Honduras to the Islands in question. Great Britain found itself unable to concur in this amendment, and the Dallas Clarendon Treaty therefore, fell to the ground. It was clear, however, that the objections of the Senate to the Honduras Treaty were not deemed unreasonable by Her Majesty's Government, because in your Lordship's interview with the President, on the 22<sup>nd</sup> October 1857.<sup>2</sup> Your Lordship "allowed that the articles establishing the Administrative independence of the Islands might have been larger than was necessary." ["I had observed," you added, "the same impression in the correspondence of Mr. Wyke, H. M. Chargé d'Affaires at Guatemala, who seemed to admit that a greater participation in the internal Government might be granted to the authorities of Honduras," and you made "no doubt that Her Majesty's Government would entertain any reasonable suggestions which might be afforded to them, in that sense." And again in Your Lordship's note to this Department, of Nov<sup>r</sup> 30<sup>th</sup> 1857 you recognized the same probability "that the intervention of the Honduras Government in the Administration of the Islands may have been more limited than was necessary or even advisable."<sup>3</sup> Such was doubtless the opinion of Honduras, for, as long ago as May 10<sup>th</sup>, 1857, I was informed by Your Lordship<sup>4</sup> that the Treaty remained unratified "owing to some objections on the part of the Govt. of Honduras" and that "Her Majesty's Government does not expect that the Treaty in its present shape will be definitely sanctioned by that Republic." In view of the objectionable provisions of this Convention with

<sup>1</sup> These amendments follow the treaty cited in the preceding footnote.

<sup>2</sup> See the British Minister's report of this interview to his government, of this date, below, this volume, pt. II, first document in note 3, p. 725.

<sup>3</sup> This quotation is taken from the first document of the above date, from the British Minister, below, this volume, pt. II, doc. 3101.

<sup>4</sup> This document is not included in this publication, since it is merely a brief note transmitting a copy of the treaty between Great Britain and Honduras.

Honduras, and of its failure to be sanctioned by that Republic, Your Lordship, by the authority of Lord Clarendon, informed me on the 6<sup>th</sup> of May, 1857,<sup>1</sup> that Her Majesty's Government was prepared to sanction a new Treaty, in respect to the Central American questions, which should in all respects conform to the Dallas-Clarendon Treaty, as ratified by the Senate, except that to the simple recognition in the Senate's substitute for the second separate article of the sovereignty of Honduras over the Bay Islands there was to be added the following passage, "whenever, and so soon as the Republic of Honduras shall have concluded and ratified a treaty with Great Britain by which Great Britain shall have ceded, and the Republic of Honduras shall have accepted the said Islands subject to the provisions and conditions contained in said Treaty". While this condition contemplated a new Treaty with Honduras which might possibly avoid the objectionable provisions of the old one, yet it was quite impossible for the United States to become a party either directly or indirectly, to a convention which was not in existence, or whose terms and conditions it could neither know or control. For this reason I informed Your Lordship, in my communication of May 17<sup>th</sup> that your Lordship's proposition was declined by this Government.<sup>2</sup>

The attempts to adjust the Central American questions by means of a supplementary Treaty, having thus failed of success, and the subject not being of a character, in the opinion of the United States, to admit of their reference to arbitration, the two Governments were thrown back upon their respective rights under the Clayton-Bulwer Treaty. While each Government, however, had continued to insist upon its own construction of this Treaty, there was reason to believe that the embarrassment growing out of their conflicting views of its provisions might be practically relieved by direct negotiation between Her Majesty's Government and the States of Central America. In this way it seemed possible that without any injustice to those States, the Treaty might be rendered acceptable to both countries as well as operative for the disinterested and useful purposes which it had been designed to serve. The President, therefore, was glad to learn from Your Lordship, on the 19<sup>th</sup> of October 1857,<sup>3</sup> that Her Majesty's Government had "resolved to despatch a Representative of authority and experience to Central America to make a definitive settlement of all the matters with regard to which the United States and England were still at variance [''], and who would be instructed, as your Lordship believed, "to carry the Clayton Bulwer Treaty into execution according to the General tenor of the interpretation put upon it by the United States, but to do so by Separate negotiation

<sup>1</sup> Below, this volume, pt. II, doc. 3094.

<sup>2</sup> The Secretary of State's note declining this proposition was dated May 29, instead of 17, 1857, and is above, this part, doc. 2779. No communication of the latter date was found from him.

<sup>3</sup> See the British Minister's despatch to his government, dated October 22, 1857, reporting an interview with the President on the 19th, below, this volume, pt. II, the first document in note 3, p. 725.

with the Central American Republics in lieu of a direct engagement with the Federal Government." This announcement could not fail to be received with satisfaction by the President, because it contemplated the substantial accomplishment of the very purposes in respect to the Treaty which the United States had always had in view, and so long as these were accomplished, he assured Your Lordship that "to him it was indifferent whether the concession contemplated by Her Majesty's Government were consigned to a direct engagement between England and the United States or to treaties between the former and the Central American Republics; the latter method might in some respects, ["'] he added, ["'] be even more agreeable to him, and he thought it would be more convenient to Her Majesty's Government, who might with greater facility accede to the claims of the weaker party." It is unnecessary to refer at length to what was said in this conversation, or to a second one on the same subject which your Lordship had with the President on the evening of October 23<sup>d</sup>; <sup>1</sup> but there can be no doubt that, in both interviews, the expected mission of Sir William Ouseley (who, it was understood, had been selected as the Plenipotentiary referred to) in connexion with what your Lordship indicated as his probable instructions, was favorably regarded by the President. So much was this the case, that he gave your Lordship his full assurance, that should your Lordship's announcement be confirmed by any official information such as he could use, he would change that part of his Message which related to Great Britain, would encourage no attempt in Congress to annul the Treaty, while the Mission was in progress, and nothing would give him greater pleasure he said, "than to add the expression of his sincere and ardent wish for the maintenance of friendly relations between the two countries." At the close of the second interview, he even went so far as to remark, in reference to the extended boundary claimed by Great Britain for the Belize (to which he had ever objected) ["'] that he could take no absolute engagement in this matter but he would say this much, that if the Bay Islands were fairly and handsomely evacuated, such a measure would have a great effect with him and with the American people in regard to the settlement of the other points at issue."<sup>2</sup> Sir William Ouseley arrived in Washington about the middle of November, and on the 30<sup>th</sup> of November I received from Your Lordship an official statement in outline of the purposes of his Mission.<sup>3</sup> On the 5<sup>th</sup> December, Your Lordship enclosed to me a copy of Lord Clarendon's despatch of Nov<sup>r</sup> 20<sup>th</sup> <sup>4</sup> in which Your Lordship's previous statement was substantially confirmed and in which it was further stated that "Sir William Ouseley, during his visit to Washington will, in pursuance

<sup>1</sup> See the British Minister's despatch to his government, dated October 24, 1857, reporting the above interview, below, this volume, pt. II, second document in note 3, p. 727.

<sup>2</sup> In the British Minister's report of the interview, the word "frankly" appears in place of the word "fairly" as here quoted.

<sup>3</sup> See first document of the above date from him, below, this volume, pt. II, doc. 3101.

<sup>4</sup> This document is below, this volume, pt. II, p. 730, note 4; and for the British Minister's note of December 5, 1857, in which it was enclosed, see also the same part, doc. 3103.

of his instructions, have explained with the utmost frankness to the Government of the United States the nature of the instructions with which he is furnished; and Your Lordship as the duly accredited organ of Her Majesty's Government will have given similar explanations."

The objects of Sir William Ouseley's Mission, as thus made known to the United States, were

1. To provide for the transfer by Great Britain of the Bay Islands to the Government of Honduras; and in this transfer, it was especially declared that the stipulations in the British Treaty with Honduras were not to be rigidly adhered to. Sir William Ouseley on the contrary, while requiring provisions to secure the vested rights of British subjects in the Bay Islands, was to be left at liberty to contract engagements with Honduras which should embody not only an unmistakeable recognition of its sovereignty over these islands; but should allow of a more direct government and a more efficient protection over them by that Republic than had been contained in the Convention of 1856.

2. The second object of Sir William Ouseley's Mission was the settlement of the question of the Mosquito Protectorate with Nicaragua and Honduras. Whilst he was to provide for the compensation, the government and the protection of the Mosquito Indians under the Sovereignty of Nicaragua, this was to be done upon terms not less favorable than those which had received the approbation of the Senate in the Dallas Clarendon Treaty. In no degree was the Indian Reserve to trespass on the territory applicable to transit purposes.

3. The regulation of the frontier of British Honduras was to be effected by negotiation with the Government of Guatemala. Her Majesty's Government trusted to obtain from that Republic a recognition of limits, "which if we may judge from previous communications on the subject may be accepted in a spirit of conciliation, if not with absolute approval by the President."

Such were the overtures communicated by Your Lordship's note to this Department of Nov<sup>r</sup> 30<sup>th</sup>,<sup>1</sup> and which were again referred to in Lord Clarendon's note to your Lordship of Nov<sup>r</sup> 20<sup>th</sup> of which you enclosed to me a copy in your Lordship's note of December 5<sup>th</sup>.<sup>2</sup> Inasmuch as the announcement of Sir William Ouseley's Mission with the explanation by Your Lordship of its general purposes had been received with much satisfaction by the President, there were some expressions in this note of Lord Clarendon which it was not easy to understand but which, nevertheless, did not materially change the general character of the overtures. It was still stated in that despatch "that the objections entertained in the United States to the construction placed upon that Treaty by the British Government are, as every impartial person must admit, in a fair way to be removed by the voluntary

<sup>1</sup> See first document of this date from him, below, this volume, pt. II, doc. 3101.

<sup>2</sup> See below, this volume, pt. II, doc. 3103, and, in note 4 thereto, p. 730, the accompanying document.

act of the latter; and while the objects of Sir William's Mission continued to be mentioned in only general terms, it was yet added that during his visit to Washington, he will, in pursuance of his instructions, have explained with the utmost frankness the nature of the instructions with which he is furnished, and Your Lordship, as the duly accredited organ of Her Majesty in the United States will have given similar explanations." The President did not hesitate therefore, in his Message to Congress to refer to these overtures as having recently been made by the British Government in a friendly spirit which he cordially reciprocated. He could do no more than this, whatever might be his hopes for the success of Sir William's Mission, until he had received the further explanations concerning it which he had been led to expect and which he was prepared to consider in the kindest and most respectful manner. The general remarks contained in the outline of November 30<sup>th</sup><sup>1</sup> must have been moulded into some specific form in order to enable this Government to arrive at a practical decision upon the questions presented to it. This I understood to be the view of Your Lordship and Sir William Ouseley as well as that of the President and this Department. Indeed it was wholly in conformity with this view that Sir William Ouseley was understood to have called at Washington on his way to Central America. Had he proceeded directly to his destination, and there by separate treaties with the Central American Republics given substantial effect to the Clayton Bulwer Convention, according to the general tenor of the American construction of that instrument, the Central American controversy would then have been fortunately terminated to the satisfaction of both Governments. But since this Government in a spirit of comity which the President fully appreciates, was asked to co-operate in accomplishing this result,—it was surely not unreasonable that it should know specifically, the arrangements which it was expected to sanction. The general objects in view we were acquainted with and approved, but there was no draft of a treaty, no form of separate article, no definition of measures. The Bay Islands were to be surrendered, but under what restrictions? The Dallas Clarendon Treaty was to be modified, but what were the modifications? The rights of British subjects and the interests of British Trade were to be protected in Ruatan but to what extent and by what conditions? Honduras was to participate more largely in the Government of the Bay Islands than she was allowed to do by the Convention of 1856, but how far was she to be restrained, and what was to be her power? These and other similar questions naturally arose upon the general overtures contained in Your Lordship's note of Nov 30<sup>th</sup> and seemed naturally enough to justify the hope which was entertained of some further explanation of those overtures. In all my conversations with Your Lordship on the subject of Sir William's Mission, subsequent to the meeting of

<sup>1</sup> See first document of this date from the British Minister, below, this volume, pt. II, doc. 3101.

Congress, this expectation of some further and more definite communication concerning it was certainly taken for granted, and until time was given to receive such a communication, you did not press for any answer to Your Lordship's note of Nov<sup>r</sup> 30<sup>th</sup>. In the beginning Your Lordship seemed to think that some embarrassment or delay in prosecuting the mission might be occasioned by the expedition to Nicaragua which had been undertaken by General Walker, and by the Cass Irisarri Treaty which had been negotiated with that Republic by the United States; but the treaty was not disapproved by Her Majesty's Government, and the expedition of Walker was promptly repressed; so that no embarrassment from these sources could be further apprehended. As the delay still continued, it was suggested by Your Lordship and fully appreciated by me, that Her Majesty's Government was necessarily occupied with the affairs of Her Majesty's Possessions in India which then claimed its immediate attention to the exclusion naturally of business which was less pressing, and hence I awaited the expected instructions without any anxiety whatever. All this is precisely what Your Lordship very frankly describes in Your Lordship's communication to this Department of April 12<sup>th</sup> 1858.<sup>1</sup> "I addressed my Government" Your Lordship says, "with a view to obtaining further explanations and instructions, and I informed you that it was not my desire to press for an official reply to the overtures of the Earl of Clarendon, pending an answer from London." The explanations however, anticipated by your Lordship and by myself were not received, and about three months after the arrival of Sir William at Washington, you expressed to me your regret that you had held out expectations which proved unfounded, and which had prompted delay, and then for the first time, requested an answer to the proposals of Her Majesty's Government, and "especially to that part of them relating to arbitration." It was even then suggested that the answer was desired because it was thought to be appropriate as a matter of form, and not because the explanations which had been waited for were deemed wholly unnecessary. "I overlooked something due to forms" is your Lordship's language in the note of April 12 "in my anxiety to promote a clearer understanding, and I eventually learned in an official shape, that Her Majesty's Government, following their better judgment, desired, before making any further communication, a reply to their overtures, and especially to that part of them refering to arbitration. ["] Should the new proffer of arbitration be declined, it was clearly not supposed in your note of Feb 15<sup>th</sup><sup>2</sup> that this result would have any tendency to interrupt Sir William's efforts; but, in that event, ["] it was hoped" you informed me, that these efforts "would result in a settlement agreeable to the United States inasmuch as, in essential points, it would carry the treaty of 1850 into operation in a manner practically conformable to the American interpretation of that instrument."

<sup>1</sup> Below, this volume, pt. II, doc. 3107.

<sup>2</sup> *Ibid.*, doc. 3105.

On the 6<sup>th</sup> of April,<sup>1</sup> I replied to Your Lordship's note of Feb 15<sup>th</sup> with a very frank and full statement of the views of this Government upon all the points to which Your Lordship had referred. The renewed offer of arbitration, mentioned in the despatch of Lord Clarendon was explicitly declined, for the same reasons which had occasioned its rejection before, but an earnest hope was expressed for the success of Sir William Ouseley's Mission and I was instructed formally to request from Your Lordship those further explanations concerning it which had been promised in Lord Clarendon's note of Nov<sup>r</sup> 20<sup>th</sup>,<sup>2</sup> for which both Your Lordship and myself had waited for three months in vain, and which, up to this time have never been furnished to the American Government. The disappointment which the President felt at some portions of the correspondence which had occurred, and especially at the failure of Her Majesty's Government to inform him more fully than it had done on the subject of the Mission, was communicated to Your Lordship without the least reserve, but in the purposes of that mission so far as he understood them, I was authorized to say that he fully concurred, and to add his sincere hope that they might be successfully accomplished. "The President," I informed you, "has expressed his entire concurrence in the proposal for an adjustment of the Central American questions which was made to him by Your Lordship last October, and he does not wish that any delay or defeat of that adjustment shall be justly chargeable to this Government. Since, however, he is asked to coöperate in the arrangement by which it is expected to accomplish it, it is essential that he should know with reasonable accuracy what those arrangements are." It was in the hope of this adjustment, as well as with a view to the serious consequences which might flow from a naked repeal of the Clayton Bulwer Treaty, that I made the observations on that subject which are contained in my letter to Your Lordship of April 6<sup>th</sup>.<sup>3</sup> No demand for this abrogation, your Lordship is well aware, had then been made by Her Majesty's Government, but Your Lordship had several times suggested to me that such an alternative, if proposed by the United States, would be respectfully considered by Great Britain, and, in Your Lordship's belief, might in some form or other be finally adopted. You informed me however at the same time, that in that event, Great Britain would not be inclined to surrender its possessions in Central America and would certainly continue to occupy the Bay Islands. In reply to this announcement, I informed your Lordship, that since it is well known that the views of this Government are wholly inconsistent with these pretensions and that it can never willingly therefore acquiesce in their maintenance by Great Britain, Your Lordship will readily perceive what serious consequences might follow a dissolution of the Treaty, if no provision should be made at the same time for adjusting the questions which led to it. "If, therefore," I

<sup>1</sup> Above, this part, doc. 2788.

<sup>3</sup> Above, this part, doc. 2788.

<sup>2</sup> Below, this volume, pt. II, p. 730, note 4.

added, "the President does not hasten to consider now the alternative of repealing the treaty of 1850, it is because he does not wish to anticipate the failure of Sir William Ouseley's Mission and is disposed to give a new proof to Her Majesty's Government of his sincere desire to preserve the amicable relations which now happily subsist between the two countries."

Having thus complied with Your Lordship's request and given that formal reply to the overtures embraced in Sir William Ouseley's Mission which was desired by Her Majesty's Government, I confidently expected to receive within a reasonable time, these additional instructions which appeared to have been delayed for this reply. Such, doubtless was the hope, also, of Your Lordship. "The discussion has been deferred," you informed me in your note of April 12<sup>th</sup>,<sup>1</sup> "but the interests at stake have probably not suffered." ["] The results of the negotiation between Nicaragua and the United States, are not yet disclosed, and it is probable that Sir William Ouseley may proceed to his destination with more advantage when the nature of those engagements is fully defined." "If the American Cabinet," you also said, ["] as may be inferred from your expressions, be well disposed towards Sir William Ouseley's Mission, and will meet H. M. Gov<sup>t</sup> in a liberal spirit on matters of secondary moment, that mission may still conduct us to a happy termination." In further informing me that my communication would be transmitted to Her Majesty's Government you added, "it remains with Her Majesty's Government to determine whether they can afford the more perfect information desired."

This was the state of the negotiation in April 1858. The purposes of Sir William Ouseley's Mission had been announced to the American Government and approved: reference had been made by Lord Clarendon to Your Lordship and Sir William Ouseley for further explanations; these explanations had been asked for from Your Lordship in repeated interviews, but Your Lordship had not received the necessary instructions to make them until a reply had been received to the general overtures embraced in your previous notes, and especially to that part of them relating to arbitration; this reply had been given, still approving the Mission and rejecting the arbitration; and it had been sent to London for the consideration of Her Majesty's Government. Under these circumstances I need not describe to Your Lordship the surprise with which I received the copy of Lord Malmesbury's despatch to Your Lordship dated at Potsdam August 18, which you were good enough to enclose to me.<sup>2</sup> In this despatch, instead of affording any more exact definition of the objects of Sir William Ouseley's Mission, Your Lordship is directed to inform me that Her Majesty's Government, "have in fact nothing to add to the explanations given by Sir William and Your Lordship upon

<sup>1</sup> Below, this volume, pt. II, doc. 3107.

<sup>2</sup> This document is above, this part, p. 189, note 3, and, according to the British Minister's note to the Secretary of State, dated November 14, 1858, below, this volume, pt. II, doc. 3110, was read and delivered to the latter on September 9, 1858.



the subject." As no explanations whatever had been received from either Sir William or Yourself, since the communication of November 30<sup>th</sup>,<sup>1</sup> it is obvious that his Lordship must labor under some misapprehension on this subject, and equally clear is it that when His Lordship represents me as having declared in my note of the 6<sup>th</sup> of April<sup>2</sup> that the Government of the United States could not agree to the abrogation of the Clayton Bulwer Treaty, that he has failed to appreciate fully the views of the U. S. in reference to that abrogation. The declaration in my note of April 6<sup>th</sup> was certainly not against any abrogation of the Treaty, but against considering the expediency of abrogating it at that particular time, and until hopes were at an end of a successful termination of Sir William Ouseley's Mission. This waiver of a discussion on the subject of abrogation in deference to the purposes of that Mission, indicated very clearly, it seemed to me, how much was expected by this Government from Sir William Ouseley's Mission. Yet even these efforts Lord Malmesbury seems to regard as having been rejected by the United States, and Her Majesty's Government, he concludes, have no ["] alternative, but that of leaving to the Cabinet of Washington to originate any further overtures for an adjustment of these controversies." Surely, My Lord, there must be some grave misapprehension in all this of the views entertained and expressed by this Government upon the proposal embraced in Your Lordship's note of Nov 30<sup>th</sup> or else this Government has labored under an equally serious error as to what was intended by Sir William Ouseley's Mission. It is under this impression, and in order to prevent two great Nations from failing in their attempts to adjust an important controversy from a mere question of form, or a mere misunderstanding of each other's views, that I have entered into this extended narrative. It is of no small consequence either to the United States or Great Britain, that these Central American controversies between the two countries should be forever closed. On some points of them, and I have been led to hope, on the general policy which ought to apply to the whole Isthmian region, they have reached a common ground of agreement. The Neutrality of the Inter-oceanic routes, and their freedom from the superior and controlling influence of any one Government, the principles upon which the Mosquito Protectorate may be arranged with justice alike to the sovereignty of Nicaragua and the Indian tribes, the surrender of the Bay Islands under certain stipulations for the benefit of trade and the protection of their British occupants, and the definition of the boundaries of the British Belize,—about all these points there is no apparent disagreement except as to the conditions which shall be annexed to the Bay Islands' surrender, and as to the limits which shall be fixed to the settlements of the Belize. Is it possible that, if approached in a spirit of conciliation and good feeling, these two points of difference are not suscep-

<sup>1</sup> He apparently refers to the first of the two notes from Lord Napier, of this date, below, this volume, pt. II, doc. 3101.

<sup>2</sup> Above, this part, doc. 2788.

ible of a friendly adjustment? To believe this would be to underestimate the importance of the adjustment, and the intelligent appreciation of this importance which must be entertained by both nations. What the United States want in Central America, next to the happiness of its people, is the security and neutrality of the inter-oceanic routes which lead through it. This is equally the desire of Great Britain, and France, and of the whole commercial world. If the principles and policy of the Clayton Bulwer Treaty are carried into effect this object is accomplished. When, therefore, Lord Malmesbury invites new overtures from this Government upon the idea that it has rejected the proposal embraced in Sir William Ouseley's Mission for an adjustment of the Central American questions, by separate treaties with Honduras, Nicaragua and Guatemala, upon terms substantially according with the general tenor of the American interpretation of the Treaty, I have to reply that this very adjustment is all that the President ever desired, and that instead of having rejected that proposal, he had expressed his cordial acceptance of it, so far as he understood it, and had anticipated from it the most gratifying consequences. Nothing now remains for me but to inquire of your Lordship, whether the overtures contained in your Lordship's note of Nov<sup>r</sup> 30<sup>th</sup><sup>1</sup> are to be considered as withdrawn by Her Majesty's Government, or whether the good results expected in the beginning from Sir William Ouseley's Mission may not yet be happily accomplished.

I have the honor [etc.].

## 2795

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*

No. 139

WASHINGTON, November 10, 1858.

[The same as instruction No. 167, of this date, to John Y. Mason, Esq., envoy extraordinary and minister plenipotentiary of the United States to France, respecting complaints of the United States Government against the Governments of Nicaragua and Costa Rica.]<sup>2</sup>

## 2796

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>3</sup>

No. 140

WASHINGTON, November 11, 1858.

SIR: I herewith transmit to you for your information the copy of a note of the 8<sup>th</sup> instant, addressed by this Department to Lord Napier,<sup>4</sup> relative to the

<sup>1</sup> He apparently refers to the first of the two notes from Lord Napier, of this date, below, this volume, pt. II, doc. 3101.

<sup>2</sup> See above, vol. VI, doc. 2504.

<sup>3</sup> Instructions, Great Britain, vol. 17.

<sup>4</sup> Above, this part, doc. 2794.

adjustment of the Central American controversies between the United States and Great Britain.

I am [etc.].

2797

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>1</sup>

No. 141

WASHINGTON, November 13, 1858.

SIR: On the day on which I received your despatch mentioning the fact that two large vessels of war had been ordered by the British Government to San Juan,<sup>2</sup> Lord Napier called at this Department and read to me a note from the British Foreign Office, in which it was stated that in a conversation between yourself and Lord Malmesbury on the subject you had signified to him your approval of the measure. As no mention is made in your despatches of any such conversation with His Lordship, I am persuaded that some error exists in the mind of His Lordship in respect to its purport, and I have deemed the matter of sufficient importance to bring it to your notice.

The views of this Government, it is proper to add, are directly opposed to the proceeding which seems to be contemplated by Great Britain. The employment of a British force in Central America, under existing circumstances, could not fail to have an unfavorable influence upon the public feeling of this Country, and it would, also, in our belief, involve a clear violation of the Clayton Bulwer Treaty. It is earnestly hoped that no such measure will be adopted.

I am [etc.].

2798

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>3</sup>

Confidential.

WASHINGTON, November 26, 1858.

SIR: Since my letter to you of the 13<sup>th</sup> instant<sup>4</sup> Mr. de Sartiges called at the Department and stated to me that he had been directed by Count Walewski to inform me that the French Government had been invited by the British Government to despatch a Naval force to San Juan del Norte, with orders to land a force if requested to do so by the Nicaraguan Government to repel any attack which might be made by illegal military expeditions against that country.

I told Mr. de Sartiges, that I received this information with regret. That this measure if carried into effect would but complicate still more the diffi-

<sup>1</sup> Instructions, Great Britain, vol. 17.

<sup>2</sup> See Dallas's despatch No. 136, below, this volume, pt. II, October 27, 1858, doc. 3109.

<sup>3</sup> Instructions, Great Britain, vol. 17.

<sup>4</sup> Above, this part, doc. 2797.

culties in Central America. That this Government was doing all in its power to prevent such expeditions from leaving the United States. That a concert of action between France and Great Britain for the employment of force in that region would give much dissatisfaction to the American people, as well as to this Government. Altho we have no treaty with France respecting the affairs of Central America, still the French Government is aware of the position of [*sic*] the United States have taken against the exercise of a protectorate or of any dominion over the Isthmian States, and could not view with indifference the adoption of a policy, which could scarcely be carried out without the exercise of a control, which would be unacceptable. Mr. de Sartiges promised to report the conversation to Count Walewski, and I think it proper to communicate the circumstances to you that you may be aware of these views of the Government and be able to make them known in conversation to Lord Malmesbury.

I am [etc.].

2799

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>1</sup>

Confidential.

WASHINGTON, April 7, 1859.

DEAR SIR: This letter is wholly unofficial, though relating to official subjects. I shall send you a public despatch, within a day or two, which you will be at liberty to read to Lord Malmesbury and which will contain the views of the Government on the subject of the recent occurrences in Nicaragua.<sup>2</sup> Affairs have assumed a gravity there, which demand the decisive action of this Government. I have not time by this packet to prepare this official despatch but it shall reach you without delay. In the mean time copies of the despatches which will be referred to in it, having been made out, will be sent with this letter,<sup>3</sup> and they will enable you to form a judgment of the whole matter. My object in addressing you this confidential communication is not only to deal with the subject more freely than I could do in a public despatch, but also that you may be possessed of our views without delay so as to make them known to Lord Malmesbury as soon as Sir W. Gore Ouseley's treaty reaches London. I wish, therefore, you would seek an interview with his Lordship immediately and let him know our sentiments. As soon as the official instructions reach you, you can place the whole subject more formally before his Lordship.

<sup>1</sup> Instructions, Great Britain, vol. 17.

<sup>2</sup> See No. 168, April 12, 1859, below, this part, doc. 2801.

<sup>3</sup> The Secretary of State's "public despatch," which is cited in the preceding footnote, mentioned, as enclosures, a communication from the British Secretary of State for Foreign Affairs to the British Minister at Washington, dated December 8, 1858, below, this volume, pt. II, p. 753, note 2, and an instruction to the United States Minister in Nicaragua, dated April 1, 1859, above, vol. IV, April 1, 1859, doc. 1113.

You well know the anxiety and responsibility which this Isthmian controversy has given us. You are aware of the discussions we have recently had with the British Government respecting the most acceptable manner of terminating this unfortunate state of things. I think a copy of Lord Malmesbury's letter to Lord Napier upon the subject, dated December 8<sup>th</sup> 1858,<sup>1</sup> with which this Department was furnished was some time since sent to you. Lest, however, there may have been a failure, a copy of that letter will be sent herewith, and you will see by it that this Government had every reason to be satisfied with the proposed course of the British Government. Lord Malmesbury thought the chance of success would be speedier and more certain, if arrangements were proposed in succession with the Central American Governments upon bases to be previously approved by the United States and Great Britain, as parties to the Clayton Bulwer Treaty, and this Government agreed to the suggestion, and assented also to the conditions of the arrangement. It was understood that the sovereignty of Nicaragua over the whole territory within its dominion should be recognized; that the Mosquito Indians should be placed on a reservation to be marked out by metes and bounds, which should be held by them something in the manner that Indian reserves are held in Canada and in the United States; that an annual sum for the purpose of securing an annuity for the Indians, should be raised by a duty upon goods imported into San Juan and used in the Country, and that the British Protectorate in that region should be abandoned. It was proposed that the Bay Islands should be surrendered to Honduras, proper security being afforded for the protection of the rights of the actual settlers, and some just arrangements made for the benefit and protection of trade. We understood that Sir W. Gore Ouseley came here to communicate with this Government, previously to his entrance upon the duties of his mission, but he did not make known his instructions to us, if indeed, they were received by him prior to his departure. The bases of the arrangement as I have said, had, however, reached us through another channel.

The progress of affairs in Central America has been far different, since the arrival of Sir W. Gore Ouseley there, from what we expected. We anticipated an immediate ratification of our treaty, and then the negotiation of two treaties between Great Britain and Nicaragua, one for the relinquishment of the Mosquito Protectorate, and the other for commercial relations and the transit route. We of course supposed that the former would have the precedence, and the excitement in this country rendered that course the proper one. We have been much disappointed in learning that the commercial and transit route treaty has been concluded, while the other, which has so important a connection with the Clayton-Bulwer Treaty has, so far as we know, been wholly neglected. I have no belief that the British Government desired this result, and I trust that Lord Malmesbury will perceive the neces-

<sup>1</sup> Below, this volume, pt. II, p. 753, note 2.

sity of correcting the error by having the other treaty concluded without delay, and this followed by the proposed arrangements for the settlement of the Bay Islands questions. To whatever cause whether originating with others or himself, the offensive proceedings of Sir W. Gore Ouseley may be owing, it is not the less certain that they are doing us much injury. It is industriously given out that British influence is to be predominant in that country, and that the rights of the United States are to be neglected; and still further; that means are to be found for avoiding the execution of the Clayton-Bulwer Treaty agreeably to our construction of it, and all the British possessions in Central America retained. The British Government has no such design, but you well know how readily credit is given to such representations in periods when the public mind is as much excited as at present. I have thought it best to make known this state of things to you, that, in your conversations with Lord Malmesbury, you might understand the difficulties in which we are placed, and which can only be effectually removed by the prompt action of the British Government.

Our affairs with Nicaragua are in a very critical condition, and appearances strongly indicate that they will have to be made better by efficient action on our part. The men at the head of that little State seem to be utterly ignorant of their own duties and of our rights. All we want of them is the use and safety of the transit routes for the world, and the fulfilment of the obligations due to us as an independent power having intercourse with Nicaragua. Some decisive course will be the result of the present aggression. I have conversed freely with the British and French Ministers upon these subjects, and I cannot be wrong in saying they are both satisfied that there is no justification for the conduct of the Nicaraguan Authorities towards the United States and that our rights and self respect equally require the adoption of vigorous measures.

In conversation I wish you would remind Lord Malmesbury that the spirit of the Clayton-Bulwer Treaty requires, that the two Governments should act in concert in keeping open and protecting the transit routes across Central America. In conformity with this understanding, during the progress of the negotiation of the Cass Irisarri treaty, its provisions were freely made known to Lord Napier and by him communicated to his government, and I understood from Lord Napier that they met with no objections.

When Sir W. Gore Ouseley went to Central America we supposed he would act in this spirit, placing himself in free communication with our Minister there, and while carrying into effect the objects of his own Government conduct himself in a friendly manner towards us:—instead of which he has ignored our Treaty altogether, avoiding proper intercourse with General Lamar,<sup>1</sup> and has left the stipulations of the Clayton-Bulwer treaty, which

<sup>1</sup> The United States Minister in Nicaragua.

looks to the faithful cooperation of the parties in the great objects to be attained, wholly unattended to. From the time he reached that country, our relations with Nicaragua have been growing worse, till when the treaty is signed, they have assumed a most critical aspect, which will probably compel us to resort to force.

Sir W. Gore Ouseley is a dull, heavy man, tho' I have believed him an honest one. I think that some shrewder man in that Country has acquired an influence over him and has suggested the course he has followed. I do not believe for a moment, that he has acted under the instructions of his Government, because such a charge would be to attribute to it palpable bad faith. The President confidently expects that the British Government will do justice not less to itself than to us, by carrying into effect without delay the proposed arrangement both with respect to the relinquishment of the Mosquito protectorate and the cession of the Bay Islands, [and?] in the true spirit of the Clayton Bulwer treaty I desire to state to you specifically what we expected from Sir W. Gore Ouseley.

We expected he would earnestly advise the Nicaraguan Government to ratify our treaty without delay, the stipulations of which were known to him, and not objected to by his Government.

We expected he would first negotiate one treaty for the relinquishment of the protectorate, agreeably to the arrangements approved by both Governments and which had received the sanction of the American Senate.

We expected he would then negotiate a commercial and transit route treaty similar in its principles to the Cass-Irisarri treaty.

And then we expected he would proceed at once to carry into effect the arrangements for the cession of the Bay Islands.

There is one stipulation which Sir W. Gore Ouseley has admitted into the Treaty he has negotiated which has been very unacceptable to us. It is the provision which declares that the neutrality laws shall be faithfully observed within the British territories. Sir W. Gore Ouseley knew that such a proposition had been made to us and rejected on the ground that we felt no disposition to provide by treaty arrangements for the execution of our own laws. Since the admission of this provision into the British Nicaraguan treaty, the Nicaraguan Government has again requested us to assent to a similar arrangement which we have already refused. There was not the slightest necessity for inserting such a stipulation in the Ouseley Treaty, for every one knows that the British Government possesses both the power and the disposition to enforce these laws, without calling treaty obligations to their aid. Such a proceeding gave no additional security to Nicaragua. Its only practical effect was to encourage the Nicaraguan Government to require such an admission by us, and it is difficult to resist the impression, that it was inserted into the Ouseley treaty for that very purpose, and in the expectation that our relations with Nicaragua would be thus still more complicated.

In this we may do Sir W. Gore Ouseley injustice, and I hope we do, but appearances are certainly very much against him.

I have made the suggestions in this letter very freely for your own consideration and to put you in possession of the circumstances as they appear to us. In your conversation with Lord Malmesbury I must leave to your own discretion to determine to what extent it may be expedient to refer to them. So far as regards the official letter you will receive, there will be no difficulty, for you will be authorized to read it to his Lordship. The execution of your duty will require both firmness and discretion, and I doubt not but they will be such as the occasion will call for.

I am [etc.].

2800

*Lewis Cass, Secretary of State of the United States, to George M. Dallas,  
United States Minister to Great Britain*<sup>1</sup>

Confidential.

WASHINGTON, April 8, 1859.

MY DEAR SIR: In my confidential letter to you of yesterday,<sup>2</sup> I stated that during the progress of the negotiation of the Cass-Irissari treaty, its provisions were freely made known to Lord Napier and by him communicated to his Government. I am yet under the impression that such was the fact, but on conversing with Mr. Appleton I find he doubts whether the stipulations of the treaty were communicated to Lord Napier before its conclusion. The difference is not material, because the negotiation was a matter of public concern, and Lord Napier no doubt knew the terms, as they were arranged, and immediately on the conclusion, the whole matter was freely talked over by him and myself, and his Government informed of all that had been done. As I desire to be strictly correct I have thought it best to make this statement.

I am [etc.].

P. S. I forgot to state to you what however, it is proper you should know, that Lord Napier informed me, his Government were desirous of the ratification of the Cass-Irisarri treaty, and had instructed the British Minister in Nicaragua to urge upon the Government of that Country the expediency of such ratification without delay.

<sup>1</sup> Instructions, Great Britain, vol. 17.

<sup>2</sup> Above, this part, doc. 2799.



2801

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>1</sup>

No. 168

WASHINGTON, April 12, 1859.

SIR: Recent information from Nicaragua, renders it necessary that I should call your attention to the unsatisfactory condition of affairs in that quarter.

The good results which were anticipated from Sir W. Gore Ouseley's Mission have not been accomplished. On the contrary, since his arrival in Central America new complications have arisen there which threaten still further to embarrass the difficult questions which it was hoped, had nearly reached their honorable adjustment. This is the more unexpected, because on the important subjects with which he had to deal, the Governments of the United States and of Great Britain, after many years of unavailing discussion had concurred at last in a conclusion which was substantially acceptable to both parties. This conclusion is sufficiently described in my note to Lord Napier of Nov 8 1858,<sup>2</sup> and in the reply to that note from Lord Malmesbury.<sup>3</sup> A copy of the former note was sometime since furnished you and a copy of the latter is herewith transmitted. They will enable you distinctly to understand in what manner the Central American questions were expected by both Governments to be speedily and satisfactorily adjusted, after the arrival in Nicaragua of the British plenipotentiary. He was to negotiate with that Republic a Convention relinquishing the Mosquito Protectorate, and a further treaty of commerce and transit, similar in its terms to the Cass-Irisarri treaty, which had previously met the approval of Great Britain. As soon as possible after the conclusion of these treaties he was to put himself in communication with Honduras, for the purpose of relinquishing to that Republic the Bay Islands, which Great Britain regarded itself as almost under a national promise to cede, and to the terms and conditions of which cession Her Britannic Majesty's Government did not allow itself to foresee any serious impediment.

The first obstacle in the way of this general adjustment was the failure of Nicaragua to ratify the Cass-Irisarri treaty, which had been negotiated as long ago as November, 1857, and had been detained by the Nicaraguan Government under circumstances of marked indignity to the United States. It was necessary to the restoration of cordial relations between this Government and Nicaragua, that this obstacle should be removed, and thus the way made easy for that coöperation on the part of the Representatives respectively, of the United States and Great Britain, in the accomplishment of their common purposes, which was contemplated by the terms of the Clay-

<sup>1</sup> Instructions, Great Britain, vol. 17.

<sup>2</sup> Above, this part, doc. 2794.

<sup>3</sup> Dated December 8, 1858, below, this volume, pt. II, p. 753, note 2.

ton Bulwer Treaty, and was especially to be anticipated after the happy agreement of the two Countries upon the mode of settling satisfactorily their long pending differences in Central America. In our own negotiations in that quarter no reserve had been exercised towards the British Government; but as soon as the Cass Irisarri treaty had been negotiated, it was made a subject of free conversation with Lord Napier who communicated a copy of it to his Government by which it was soon after approved. The treaty itself, in the very spirit of the Clayton Bulwer Treaty, provides for the enjoyment of the same free transit across the Isthmus by other nations which it secures for the United States. It was supposed then, that after a frank interchange of views between General Lamar and Sir W. G. Ouseley, it would be determined to commence the work of amicable adjustment in Central America, by securing the prompt ratification of the Cass Irisarri Treaty. A notice to Nicaragua that this was the first step in the proposed negotiations would readily have accomplished the desired object, and could not have failed to be followed by the most favorable results.

The work of arranging the terms and conditions of the relinquishment by Great Britain of the Mosquito Protectorate would naturally have been facilitated by this removal of an irritating subject from the field of Nicaraguan negotiation, while at the same time a useful lesson would have been taught to the Nicaraguan Government. No insuperable difficulty was anticipated in carrying this arrangement into effect, and the United States were prepared to render every assistance in their power towards its successful result. It was regarded, necessarily, as an object of the greatest importance both to the United States and Great Britain, because until this was accomplished the adjustment of the Central American questions, according to the views of Lord Malmesbury, in his letter of December 8<sup>th</sup> 1858,<sup>1</sup> was manifestly impossible.

Another purpose which Sir William Gore Ouseley was expected to accomplish was the conclusion of a treaty of commerce and transit with Nicaragua similar in its terms to the Cass Yrisarri treaty. If the latter treaty had been ratified, another treaty of the same general character could have been negotiated without any difficulty whatever. Incontestably therefore it was not of pressing importance that this should be the first subject to receive the attention of the British Envoy. The great object to be attained was the amicable settlement of the Central American Questions which were in controversy between the United States and Great Britain; and both Governments doubtless expected that this object would be speedily accomplished.

This expectation has wholly failed. The Cass Yrisarri Treaty, instead of being promptly ratified at the opening of the Nicaraguan Congress, seems to have received no attention whatever. There has been no relinquishment of the Mosquito Protectorate, nor is this Government informed what negotia-

<sup>1</sup> Below, this volume, pt. II, p. 753, note 2.

tions, if any, have been had upon that subject. No interchange of views appears to have taken place, between the British and American Ministers, but, on the contrary, Sir W. Gore Ouseley is understood to have pursued his negotiations without any reference whatever to the United States or to that spirit of coöperation which is clearly contemplated in the Clayton-Bulwer Treaty. Indeed, from the very moment of his arrival in Nicaragua, the disposition of the Government towards the United States seems to have become more and more unfavorable, and its conduct has conformed throughout to this apparent change of disposition. While the Cass Yrisarri Treaty has not been ratified, and the Mosquito Protectorate has not been relinquished, a treaty of a similar character has been made with Great Britain and confirmed by Nicaragua, without serious difficulty or delay. This Treaty, which is for the most part a copy of our own, contains an additional clause on the subject of armed expeditions, whose effect, if it should be accepted, must be to control the legislation of Great Britain, and prevent it from repealing, should it be inclined to do so, its Foreign Enlistment Act. The United States are no further interested in this addition, than that it is made by Nicaragua the occasion for defeating the Cass-Yrisarri treaty, because this Government would never think of surrendering the control of its own legislation, as required by Nicaragua; and had previously rejected this very amendment which is now incorporated into the treaty with Great Britain. The views of the President on this amendment, and the offensive course pursued by Nicaragua in relation to the Treaty generally, you will find fully stated in my note to General Lamar of the 1<sup>st</sup> instant,<sup>1</sup> a copy of which is annexed. You will there also find that a new outrage has been added to the indignities previously offered to the United States, in the seizure by the Nicaraguan authorities of two river steamers which were the property of one of our Transit Companies.

This condition of affairs in Nicaragua, and the utter failure of Sir W. G. Ouseley's Mission to accomplish the desirable result expected from it, has occasioned great regret to this Government. It was not a case, as this Government understood, where two nations were struggling for exclusive advantages, each being anxious to secure privileges for itself without regard to the other, but what was to be done in Central America was the far better and more honorable work of a mutual adjustment, by two Great Nations, for the benefit of both, of a difficult and long-standing subject of controversy. Why this fortunate result has not been reached,—still less, why some approaches have not been made towards it, it is extremely difficult to understand. Certainly this Government has been sincerely anxious to see it accomplished, and no doubt is entertained but that a similar anxiety is felt with equal sincerity by the Government of Great Britain. It is because the President relies with the fullest confidence upon the good faith of

<sup>1</sup>See above, vol. IV, doc. 1113.

the British Government and its earnest desire to bring to a conclusion the Central American difficulties, that he feels at liberty to communicate thus frankly and unreservedly the views and statements contained in this despatch. Whatever may have occasioned the embarrassments in Nicaragua, he feels quite sure that Her Britannic Majesty's Government will not hesitate to employ all the means within its power to remove them. Entertaining this belief, he confidently expects that the objects mentioned in Lord Malmesbury's note of Dec<sup>r</sup> 8. 1858<sup>1</sup> will yet be satisfactorily attained through the prompt action of the British Government, and that the Clayton Bulwer Treaty will be thus carried into execution, substantially according to the construction, which has always been placed upon it by the United States.

The course towards Nicaragua which this Government may be compelled to pursue for the protection of its own honor and the just rights of its citizens is sufficiently indicated in the accompanying papers, and will be steadily persevered in. Our forbearance towards that weak Republic has only been repaid by injury and insult, and we owe it to ourselves to secure by other means that justice which all peaceful exertions have failed to obtain.

You will read this letter to the Earl of Malmesbury, and will leave with him a copy of it.

I am [etc.].

## 2802

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>2</sup>

No. 174

WASHINGTON, May 12, 1859.

SIR: Accompanying this letter you will receive the copy of a correspondence which has recently taken place between Mr. Black, our Consul at Mexico and Mr. Otway, the British Minister in that City,<sup>3</sup> to which I am instructed by the President to request your attention.

You are aware of the condition of the Republic of Mexico. Almost since its separation from Spain, it has been agitated by internal dissensions, and during but very brief periods of its political existence has it enjoyed the blessings of a free and stable Government. Two parties are now contending for supremacy there, and the contest is prosecuted by one of them, having the seat of its authority at the Metropolis, with a bitterness and cruelty unworthy of the age, and revolting to the feelings of the civilized world. These outrages are not confined to the natives of the country, but are freely extended to the citizens of other nations residing in Mexico, and our

<sup>1</sup> Below, this volume, pt. II, p. 753, note 2.

<sup>2</sup> Instructions, Great Britain, vol. 17.

<sup>3</sup> See below, vol. IX, pt. II, the footnote material to Minister McLane's No. 8 to the Secretary of State, dated April 21, 1859, in which these documents were originally enclosed, Black's two notes to Otway, dated April 13 and 16, and Otway's replies to them, dated April 14 and 16, 1859.

own citizens have come in for their full share of them. The President, on mature consideration, has recognized the Constitutional Government, of which President Juarez is at the head, as the legal Government of Mexico, and he believes it is the Government which can alone secure freedom and tranquility to that unhappy country. In consequence of this recognition, the Miramon authorities, in possession of the Capital, undertook to revoke the exequatur which had been granted to Mr. Black, and to order him from the Country. Mr. Black, thereupon communicated this proceeding to Mr. Otway, and in the exposed condition of American citizens, requested the British Minister to extend such protection to their persons and property, as circumstances might call for, by the exertion of his influence with the *de facto* government ruling in the Capital. Mr. Black, in making this appeal, acted with propriety and discretion, and certainly had no right to anticipate that his application would be refused. In countries in a state of revolution, and during periods of public excitement, it is the practice of modern times for the foreign Representatives residing there to interpose by the exertion of their influence for the protection of the citizens of friendly Powers, exposed to injury or danger, and left without any Minister of their own country to watch over them. It is a commendable procedure, humane, indeed, to which it is difficult to discover any well founded objection. Circumstances frequently give to national representatives the power by timely remonstrance to stay those deeds of wanton cruelty which often mark the progress of internal commotions, and call forth the reprobation of the world. The ties of amity and of kindred feeling existing between the United States and Great Britain naturally point to those powers as occupying the relations to each other which would not merely justify but invite the interposition of their minister in the state of things referred to. But it appears by the letter of Mr. Otway, if indeed he has not misunderstood his instructions that an application under such circumstances was not only foreseen, but its refusal was provided for by directions from London, and the common offices of humanity were directed to be withheld from our citizens. The reason given for thus passively witnessing deeds of blood and outrage, but adds to the surprise experienced by this Government at the avowal and adoption of such a measure. Certainly it is not to be expected that the interests of American citizens would be protected by the British Minister, at the sacrifice of the interests of his own Countrymen, but it is not easy to conceive that the number of British subjects in Mexico, or the dangers to which they may be exposed, would be so great as to prevent him from lending his favorable attention to any extraordinary cases of oppression of which American citizens might be the victims, or that a friendly representation for the mere purposes of humanity would diminish the legitimate influence, to which he is entitled, not less by his own position, than by the character of his Country. In revolutionary times, all foreigners are liable to similar outrages, and what

may be the fate of American citizens one day may be the fate of British subjects the next, and if a common interest is felt and manifested under such circumstances the condition of these adventurers, led by a spirit of enterprise to a distant and exposed region, will be rendered far more secure. Friendly and temperate representations will often have the effect to induce the leaders of a victorious party to pause in their career of blood, and recognize the dictates of justice and humanity. It has never occurred to the Government of the United States to instruct its representatives abroad to look passively on amid such afflicting scenes, and the President would not hesitate to visit with marks of his displeasure any American Minister, who should have it in his power to afford protection to the persons or property of the citizens of a friendly nation, placed in peril by revolutionary commotions, and having no national representative to appeal to, and should fail to exert his influence in their behalf. I am instructed by the President to request you to embrace some favorable opportunity of bringing this matter by conversation to the attention of the Earl of Malmesbury, and of making known to him the regret, as well as surprise, with which the Government of the United States has learned the answer of Mr. Otway to the application of Mr. Black.

I must commit to your discretion the manner in which it will be best for you to bring this subject to the attention of Lord Malmesbury. The disclosure made by Mr. Otway has unpleasantly affected us, and while we desire that the British Secretary for Foreign Affairs should be made aware of this feeling, still we desire also, that the communication should be made with a proper regard to the relations of the two powers, and to the circumstances which have furnished the occasion for this representation. It is the interest of all nations that the violent passions which mark the progress of revolutionary efforts should be stayed, as far as this can be done by timely and friendly remonstrances, and that it should be known, as well by the local authorities, as by the citizens of other Countries, residing where such events are going on, that the condition of those strangers is regarded with interest by the representatives of all friendly powers, and that such of them as have no minister of their own Country to resort to for protection, will find the other members of the diplomatic corps ready to interpose their good offices to secure them from injury and oppression.

Another occurrence has also taken place in Mexico, information of which has just reached here, and which has been received with a good deal of regret. Among the documents transmitted to you, will be found the copy of a confidential letter from Mr. Otway to the British Consul at Vera Cruz, dated April 4. 1859,<sup>1</sup> in which the determination of the British Government is made known to enforce the payment of certain outstanding British claims

<sup>1</sup> For this note, see below, vol. IX, pt. II, the footnote material to Minister McLane's No. 8 to the Secretary of State, dated April 21, 1859, in which it was originally enclosed.

by taking advantage of the presence of the British fleet in the Gulf, and as that force cannot reach the Central Government, to employ it for that purpose against the constitutional Government, "holding Vera Cruz, by whatever party it is occupied, *to be as it were* (these are the identical words used) the Treasury of Mexico, and enforce there, as soon as possible, payment of all the outstanding claims of the British subjects in Mexico".

It is possible there may be some mistake with respect to the terms of this document, as the measure it contemplates is liable to very obvious objections. Before, therefore, you proceed to bring the matter to the attention of Lord Malmesbury, it will be proper to ascertain if these instructions have been given, and it is also desirable to know what claims it is intended they shall embrace. It is not known here whether they are confined to liquidated demands, the payment of which has been provided for by a mutual convention, or whether this process of collection is to be made applicable to all claims, whether they have been made the subject of investigation or not. If you find these instructions have been actually issued, you will then proceed to submit the views herein indicated.

The United States assume no right to sit in judgment upon the causes of complaint which Great Britain may prefer against Mexico, nor upon the measures which may be adopted to obtain satisfaction. These are questions which pertain to national sovereignty, and which every power must determine for itself and upon its own responsibility. But the position of Mexico and the United States, and the relations they bear to each other, render the situation of the former Country a subject of great concern to this Government, and the President therefore trusts that Her Britannic Majesty's Government will receive in a friendly spirit some suggestions connected with this subject which he has directed to be submitted for its consideration. You will take advantage of some interview with Lord Malmesbury, and in conversation make known to his Lordship, with a due regard to the nature of the communication, the views of this Government concerning the proceedings contemplated.

This Country has a deep interest in the stability and tranquillity of the Mexican Republic, not only in a commercial point of view, but as a coterminous neighbor, stretching along our frontier for a great distance, and commanding important routes of communication, between the eastern and the western portions of the Union. The Mexican experiment of self government has been so far an unfortunate one. I repeat that with brief exceptions, the Governments established there have failed to secure freedom and prosperity for the people. When the Government of President *Common-*fort was broken down, the Chief Justice, Mr. Jaurez [Juarez?], agreeably to the Constitution of the Republic, acceded to power, and became the legitimate head of the Mexican confederation. That position he has since continued to occupy with varied success, but amid many changes, still with a

reasonable prospect of the ultimate submission of the Country. I believe the permanent prosperity of Mexico is intimately connected with the establishment of the power of the liberal party; and after a reasonable delay, watching the progress of events, the President became satisfied that the Government thus maintained had the adhesion of a majority of the Mexican people, as it certainly had of a majority of the Mexican States, and that it possessed the best means of consolidating their institutions, in a spirit of moderation and justice, and he therefore recognized its political existence. He has yet seen no reason to doubt the policy of the measure, or the realization of the hopes which had been formed. In the present condition of the contending parties in Mexico, the measure of redress, contemplated by the British Government is in fact directed against the liberal government. The possession or bombardment of Vera Cruz by a British force would be a direct interference, which must necessarily work to their injury,—crippling their resources, while their opponents, holding the capital, will be beyond the reach of its operations. Vera Cruz is a very important point for the commerce of the United States, of England and of France, and hostile efforts cannot be made there without serious injury to all the traders who resort to that place of entry and deposit. That British subjects have just claims for compensation I have no doubt, but to compel a government struggling for its existence, to pay the whole of these claims without delay, upon the grounds assumed by Mr. Otway, that Vera Cruz is held to be, as it were the treasury of Mexico, is a measure whose reconsideration it cannot be considered an unfriendly or impertinent act to urge upon the British Government. And especially, as the obligation to pay these debts, or the compulsory power to collect them would not be at all affected by any measure of delay which might be yielded to the considerations herein urged. The same means of redress would still be within the power of the British Government. And in the meantime, the opportunity might present itself of requiring from the Government which Great Britain has continued to recognize an equitable proportion of the contribution levied upon the Republic,—a proceeding evidently called for by the dictates of justice. And this course of moderation is recommended by another consideration. The measure of redress proposed by the immediate action of the British fleet is not founded upon a principle, but upon an assumption, carrying with it no real responsibility, that Vera Cruz is *as it were* the Treasury of Mexico, and therefore may be *forcibly exhausted to satisfy all claims existing against the Republic*. Looking at the reasons which are urged for the adoption of this measure, and to its injurious effect upon one of the parties, as well as upon the commerce of the Country, I indulge the hope, that Lord Malmesbury will review the decision to employ force, under these circumstances, and will await a more propitious time to enforce these claims.

I am [etc.].



2803

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>1</sup>

Unofficial and Confidential.

WASHINGTON, August 11, 1859.

DEAR SIR: You will receive herewith an official letter requesting you to bring to the attention of Lord John Russell, the condition of our Central American Relations with Great Britain.<sup>2</sup> Since my unofficial letter to you of some days since,<sup>3</sup> we have ascertained with certainty that by a Convention with Guatemala, the boundary of the Belize settlement has been carried to the Sarstoon River. It is an extent of territory for which it would be difficult to procure a just title and to which under no circumstances would the United States agree, except as forming a part of a general arrangement by which this whole Central American controversy could be adjusted. Unfortunately it stands alone leaving the other possessions of the British in that region untouched, and the measure has already provoked that enquiry and condemnation in this Country which judging from the accompanying circumstances it is so well calculated to produce. I am still persuaded that the British Government are dealing fairly with this matter, and desire to carry into effect the proposed arrangement in good faith. They do not realise the impatience of the people of this country nor the effect which the long delay to execute the Clayton Bulwer Treaty has produced here. I must again request you in conversation to urge upon Lord John Russell the necessity for the prompt arrangement of this whole affair. You cannot impress upon his Lordship too strongly the conviction, that the prompt action of Great Britain may be essential to the pacific relations of the two Countries, and if the President is not able to announce to Congress at the commencement of its next session, that this long pending controversy is satisfactorily terminated, a state of feeling may be excited here which may lead to unhappy consequences.

I am [etc.].

2804

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*<sup>4</sup>

No. 189

WASHINGTON, August 12, 1859.

SIR: Recent intelligence from Central America leads to the belief that a treaty has been concluded between Great Britain and Guatemala by which the boundary of the British Belize has been extended to the Sarstoon River. In the Dallas Clarendon Treaty, the Senate, you are aware, very reluctantly consented to this extension of boundary in consideration of the important

<sup>1</sup> Instructions, Great Britain, vol. 17.

<sup>2</sup> Not found.

<sup>3</sup> Below, August 12, 1859, doc. 2804.

<sup>4</sup> Instructions, Great Britain, vol. 17.

equivalents of the withdrawal by Great Britain from the Bay Islands and from the Mosquito Protectorate. These three subjects have been constantly associated together in all the negotiations which have taken place between the Government of the United States and that of Great Britain in respect to Central America, and it was understood by both Governments that they would finally be adjusted together. Unhappily, however, the general result which was expected from Sir William Ouseleys Mission, has not been accomplished. The Mosquito Protectorate has not been surrendered, nor is it known that any negotiations to this end are now in progress. The Bay Islands, the cession of which to Honduras had become in the words of Lord Malmesbury, almost a "national promise" still remain in the possession of Great Britain. Not only therefore has the Clayton Bulwer Treaty not been executed, as was fully anticipat[ed] by both Great Britain and the United States in December last, substantially according to the American construction of it, but the only change which has occurred in Central America, since that time, in respect to the questions between the two countries, is this enlargement by Great Britain of its Belize Possessions. I need not describe to you how well calculated this condition of affairs is to renew among the people of this Country those excitements in reference to Central America, which it was hoped, would before this time have been put at rest forever, by the amicable settlement of the differences out of which they grew. Their revival now, I am persuaded would be regretted by the British Government, no less than by our own, for the President does not doubt the entire good faith of Her Majesty's Government on this subject. But the difficulty is none the less real because it has been the result of unforeseen circumstances, and you are instructed to embrace some early occasion to explain to Lord John Russell the embarrassments which if not speedily removed it can hardly fail to produce. You will do this with that entire frankness which becomes the intercourse of the two Governments and which His Lordship will doubtless appreciate, but in a spirit of perfect reliance upon the sincere disposition of the British Government to terminate the Central American controversy upon the basis presented in Lord Malmesbury's note to Lord Napier, of December 9<sup>th</sup>.<sup>1</sup> It is the great delay in effecting this result to which you will call His Lordship's special attention. The Congress of the United States will assemble in December next, and the President will necessarily refer in his message to the condition of the questions which have grown out of the Clayton Bulwer Treaty. If he shall then be unable to meet the public expectation by announcing their amicable adjustment it will be difficult to explain satisfactorily that the failure has not been occasioned either by some fault of the British Government or by the culpable neglect of those who have had charge of its negotiations in Central America.

<sup>1</sup> This is presumably an erroneous reference to the communication of the British Secretary of State for Foreign Affairs to the British Minister at Washington, of December 8, 1858, below, this volume, pt. II, p. 753, note 2.

This difficulty will be increased if it shall appear that nothing has been done in that quarter beyond the conclusion of the treaty already mentioned, with Guatemala. It will be hard to understand that where Great Britain was to *acquire*, the negotiation was easy, but where she was to *cede*, the negotiation was impracticable. The President earnestly desires that this state of things may not exist at the meeting of Congress. Surely before that period it may be possible by suitable Agents and vigorous measures to surrender the Mosquito Protectorate upon terms which will be generally acceptable to the interested parties; or if something should possibly remain to be adjusted on the subject, less difficulty should be found in making the contemplated cession of the Bay Islands. I am not aware that any negotiations with Honduras are now in progress, but I trust they will be undertaken at an early day and may be brought to a prompt conclusion. You can hardly overestimate the importance of this subject, and I rely upon your efforts and discretion to make it suitably appreciated by Her Majestys Principal Secretary of State for Foreign Affairs.

In your interview with Lord John Russell, you may, if you think proper, read this despatch to him, and if he should desire it give him a copy.

I am [etc.].

2805

*Lewis Cass, Secretary of State of the United States, to George M. Dallas, United States Minister to Great Britain*

No. 194

WASHINGTON, *September 19, 1859.*

[Same as instruction of this number and date to John Y. Mason, envoy extraordinary and minister plenipotentiary of the United States to France, regarding the interference of the Foreign Ministers in Mexico with interests of citizens of the United States and Bremen.]<sup>1</sup>

2806

*Lewis Cass, Secretary of State of the United States, to Lord Lyons, British Minister to the United States*<sup>2</sup>

Confidential.

WASHINGTON, *February 21, 1860.*

MY LORD: I have received a copy of the despatch from Lord John Russell to Your Lordship of the 6<sup>th</sup> January last,<sup>3</sup> together with the papers accompanying it, relating to the course of our Minister, Mr. Clarke, in connection

<sup>1</sup> See above, vol. vi, doc. 2509.

<sup>2</sup> Notes to Great Britain, vol. 8.

Lord Lyons presented his credentials as envoy extraordinary and minister plenipotentiary of Great Britain on April 12, 1859. He went on leave on December 5, 1864.

<sup>3</sup> This communication, left at the Department on February 7, 1860 by the British Minister, apparently with no covering note from him, is below, followed by all the enclosures with it except one, a note from Beverly L. Clarke, United States minister to Guatemala and Hon-

with the negotiations of the treaties recently concluded between Great Britain and the Republics of Guatemala and Honduras. I have reexamined the correspondence of Mr. Clarke with the intention of entering into a full investigation of the whole matter. But on reflection I shall deal with it

duras, to C. Lennox Wyke, British negotiator in Central America, dated November 9, 1859, which had previously been received in one of Clarke's despatches to the Secretary of State, and for which see above, vol. IV, p. 808, note 4.

*Lord John Russell, British Secretary of State for Foreign Affairs, to Lord Richard B. Lyons, British Minister to the United States*

LONDON, January 6, 1860.

MY LORD: With reference to Your Lordship's Despatch of the 6<sup>th</sup> of December and to my Despatch of the 23<sup>rd</sup> of that Month, I inclose a Copy of a despatch and an extract of a private Letter from M<sup>r</sup> Wyke, setting forth the obstacles which have been thrown in his way by M<sup>r</sup> Clarke, the Resident Minister of the United States in Central America.

The assurances which Your Lordship received of the earnest desire of the Government of the United States to see M<sup>r</sup> Wyke's Mission brought to a successful issue, and the statement of General Cass' intention to instruct the United States Agents in Central America to cooperate with M<sup>r</sup> Wyke, leave no room for doubting that M<sup>r</sup> Clarke, 1<sup>st</sup> in issuing a Protest against the Treaty with Guatemala, and 2<sup>ndly</sup> in opposing M<sup>r</sup> Wyke in Honduras, has acted in opposition to his Instructions, and that his conduct will not be approved by the United States Government.

In the present instance, it would appear that the energy and ability of M<sup>r</sup> Wyke had prevailed over the difficulties interposed in his way by M<sup>r</sup> Clarke, but it is not the less painful that in this, as in the still more painful case of the Island of San Juan, the Agents of the United States Government would have taken upon themselves to pursue a course of policy, not only not warranted by, but actually in opposition to their Instructions.

It is true that the bearing of the Government of the United States towards this Country has been as friendly as it has been loyal, but it is of serious detriment to public confidence that the good understanding between the two Governments is liable at any moment to be interrupted by the unauthorized proceeding of the Agents of one of those Governments.

Her Majesty's Government are convinced that they will best provide for the continuance of that good understanding by giving expression to the feelings of regret, which the proceedings of M<sup>r</sup> Clarke have been but too well calculated to inspire, and Your Lordship will accordingly make a representation of the subject to General Cass, and would you have an opportunity of doing so, also to the President of the United States.—You will furnish General Cass, confidentially with a Copy of this Despatch and its Inclosures.

I am [etc.].

*Charles Lennox Wyke, Special British Representative in Central America, to Lord John Russell, British Secretary of State for Foreign Affairs*

COMAYAGUA [HONDURAS], November 23, 1859.

MY LORD: On my arrival at the Port of La Union on the 30<sup>th</sup> Ultimo, I was met by M<sup>r</sup> Hall, the British Consul in Honduras, who had proceeded to that place in obedience to instructions I had previously sent, as I was anxious to learn from him the light in which my mission was looked on by the Government of that State.

M<sup>r</sup> Hall informed me that the President was glad to hear of my intended visit, and that he would probably proceed to the town of Tegucigalpa to meet me, having given orders that a house should be prepared there for my reception.

After a delay of several days owing to contrary winds, I proceeded to the Port of La Brea, and from thence inland to Tegucigalpa which town I reached on the 8<sup>th</sup> Instant in the afternoon.

I was received there with every attention by the Commandante, who conducted me to the best house in the town, intimating at the same time, that the President would probably arrive there in a day or two.

As, however, there appeared to be some doubt on this subject, I despatched a courier, early the following morning, to Comayagua with a private letter for His Excellency,

more summarily, satisfied, that as the controversy between our respective countries concerning Guatemala and Honduras has been brought to a conclusion by the negotiation of treaties which have not yet been officially made known to this Government, but which I trust will be found acceptable, and as

informing him of my arrival, and expressing my willingness to proceed immediately to Comayagua, should his occupations prevent his coming to Tegucigalpa.

In this letter I briefly intimated to him the object of my mission, and pointed out the great importance of not losing any time in proceeding at once with the negotiations with which I was intrusted;—

After a delay of several days I received the President's reply on the 16<sup>th</sup>, in which he expressed his regret at not being able to come to Tegucigalpa, but offered to name a Commissioner armed with full powers, who should come on there at once in order to treat with me.

I despatched Mr Hall the same evening to Comayagua, to tell His Excellency that, under the circumstances, I should proceed on the following day to that place in order to wait on His Excellency in person.

On my arrival here on the 20<sup>th</sup>, I was informed by Mr Hall that a complete change had taken place, during his absence, in the feelings of the President and his Government with regard to my Mission, which was now looked on in anything but a friendly light in consequence of a communication recently received from Mr Clarke the United States Minister Resident in Guatemala [See Clarke's note to the President of Honduras, above, vol. iv, November 11, 1859, doc. 1526.—Ed.], who is also accredited to this Republic.

In this letter, that functionary strongly urged them not to treat with me, or if they did so, by no means to sign any Treaty I might propose to them, without first of all submitting it to Washington to obtain the sanction of the United States Government who were anxious to protect them, and prevent any violation of the stipulations of the Bulwer and Clayton Treaty such as had been committed by my Treaty with Guatemala, for settling the boundaries of Her Majesty's settlement at Belize.

He also transmitted a copy of the protest he had made against that convention [See Clarke's note to the Guatemalan Minister of Foreign Affairs, and his note to the President of Honduras, both dated October 1, 1859, above, vol. iv, docs. 1518 and 1519.—Ed.]; and advised them (as forming part of the ancient confederation) likewise to protest against it, as Guatemala had no right to cede territory belonging to what he styled the Federal Republic of Central America.

This communication from the accredited Minister of the United States, naturally carried great weight with it, and made the Honduras Government afraid in any way to treat with me.

Such being the state of the case, I determined at once to take the step of informing the President indirectly and through a third person, that I was perfectly aware of Mr Clarke's proceedings, that I grieved to see the effect produced thereby, and that if this Government should allow itself to be influenced by his advice, I should quit the Republic within 8 days, leaving the whole responsibility of the failure of my mission to be answered for by Mr Clarke, who, I had reason to know, was not only unauthorized to make such statements as he had done; but was actually acting in direct opposition to the wishes of his Government, who were most anxious that the pending questions between Honduras and Great Britain should be amicably and promptly settled, so as to enable Mr Buchanan to announce in his forthcoming message that all differences between His Government and that of Her Majesty, arising out of the Central American question, had been finally got rid of.

This took place on the evening of my arrival here, and next morning I addressed an official note to the Minister for Foreign Affairs, requesting a public audience of the President, and requesting that His Excellency would grant such audience at his earliest convenience, as my stay in the Republic was probably limited to a very short period.—

This had the desired effect: an answer was promptly returned fixing my reception for the following day (yesterday) at 12 O'clock.

I have now the honor to enclose a copy of the address I delivered on the occasion, together with a translation of the President's reply [Not found.—Ed.].

Immediately after the ceremony was gone through, and before leaving the room, I requested a private audience of His Excellency, stating that I had matters of great importance which I wished confidentially to communicate to him in the presence of his Minister for Foreign Affairs: my request was at once granted, everybody retired from the apartment, and I was, as I had desired, left with them both alone.

there was a fair prospect of a similar result in Nicaragua, it would be best to refer as briefly as possible to the recent occurrences in Central America which had excited so much feeling and given rise to so much apprehension. Mr. Clarke, misapprehending the views of his Government at the time thought

This audience lasted nearly an hour, during which time I used every argument I could think of to remove the unfavourable impression created against me by M<sup>r</sup>. Clarke, who, I said, would I felt convinced, incur the severe displeasure of his Government for acting in the way he had done.

I dwelt also on the serious consequence that would result to Honduras should my mission fail from such a cause, as Her Majesty's Government would naturally be gravely offended, should their generous attempt at reconciliation with that of this Republic, be thwarted by such means when this country ought on the contrary to be but too well satisfied with the terms I had to offer.

Gradually, and by degrees the President's coldness of manner wore off, and I think I may say, I finally succeeded in overcoming the unexpected obstacle I had found in my way.

He stated that he would no longer hesitate to name a Plenipotentiary to treat with me, and that either the following day or the one after, we could begin our conferences, which he sincerely trusted, from what I had told him, would terminate satisfactorily to both Governments, as he was most anxious to come to terms with us on all pending questions, if he could do so without offending the United States Government and thereby endangering the safety of the country over whose destinies he was called to preside.

The period of my arrival here is unfortunate, as the elections are now going on, not only for the Presidency of the Republic, but also for one half of the Members of the Assembly, so that it will be difficult to call that body together in sufficient numbers to enable them to act, and this difficulty the President dwelt on as almost insurmountable, when I pointed out the necessity of having any Treaty we may sign, ratified by the Legislature, but he said that he would do all that he could to meet my wishes in this respect for the reasons I had advanced.

In my despatch of the 19<sup>th</sup> Ultimo written to Your Lordship just previous to my departure from Guatemala, I detailed what had passed between M<sup>r</sup>. Clarke and myself relative to my approaching visit to Honduras, as well also as mentioning the solemn promise he made, not in any way to interfere with my endeavours to negotiate a Treaty with this Government.

How that gentleman can reconcile that promise with what he has done, I am at a loss to conceive, but his conduct has been so extremely mischievous and ill-judged, to say the least of it, that I think it should be pointed out at Washington, as being totally at variance with the instructions which General Cass informed Lord Lyons had been transmitted to M<sup>r</sup>. Clarke.

I forgot to mention that he told this Government not to mind any threat of coercion that might be held out to them relative to the non-settlement of M<sup>r</sup>. Carmichael's claim, as the United States would not *permit* Great Britain to use coercive measures either towards Honduras or any other of the Central American States.

I have [etc.].

*Charles Lennox Wyke, Special British Representative in Central America, to Lord John Russell, British Secretary of State for Foreign Affairs*

[EXTRACT]

*November 28, 1859.*

I have barely time to send you a couple of lines written in the greatest haste, as the Courier is on the eve of starting for the Port of La Union which it is just and only just possible that he may reach before the Steamer leaves for Panama.

I have had a very tough battle to fight here, as this Government was strongly urged by M<sup>r</sup>. Clarke, the United States Minister Resident accredited to this Republic, *not* to conclude *any* Treaty with me, which had not first been transmitted to Washington for approval—M<sup>r</sup>. Clarke states the wishes of his Government to be that the Bay Islands must be surrendered *unconditionally* by us, and that having done so, we might then be allowed to make what stipulations we could get from this Government for the protection of British Subjects and their interests. Before leaving Guatemala, M<sup>r</sup>. Clarke told me

the proposed extension of the boundary of the Belize to the Sarstoon was in violation of the Clayton Bulwer Treaty, a belief entertained not only by this Government but generally by the country at large. He appears not to have known that this proposition had been subsequently assented to here by the Senate because it was accompanied by other propositions which were acceptable, and which when carried into effect in the arrangements with Honduras and Nicaragua would probably terminate in a satisfactory manner this long pending controversy. Under these circumstances, Mr. Clarke pursued the course complained of by Lord John Russell and although this Government does not approve either the protest which he presented against the negotiation or some of the language employed in it,<sup>1</sup> yet his zeal for the interests of his country, and the peculiar state of things in which he was placed, excuse, if they did not warrant the measures, which he thought it his duty to take. It is not uncommon in the intercourse of nations to find their agents upon a distant and difficult service pursuing measures, not approved by their respective Governments, but their conduct, from a just regard to their motives and situation is always viewed with much indulgence. Lord John Russell will find many such instances in the history of his own Country, and this consideration, I think, should have led him to spare the allusion which he has made to the recent occurrences at San Juan.<sup>2</sup> The complications which those events were likely to occasion were removed by this Government as soon as known here, and, it was understood, to the entire satisfaction of the British Government. Under these circumstances, I must express my regret

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that he would be happy to assist me, and when I reached this City I found that he had written a despatch, telling them [See Clarke's two notes to the President of Honduras, above, vol. iv, October 1 and November 11, 1859, docs. 1519 and 1526.—Ed.] that England had robbed them of their territory and must be made to give up the Bay Islands and Mosquito Territory unconditionally.

From my thorough knowledge of the people and the best means of acting on them I have succeeded in negotiating a Treaty, which I signed this Evening, nearly similar to the one I brought out (having been obliged to alter some portions of the text in order to carry my point, but not in any way materially altering its value) and I have also succeeded beyond my expectations in getting them to give £5000 annually to the Mosquito Indians for the next 10 years, that sum being to be paid to their head man for the "social improvement and education of said Indians" resident in the district now ceded to those Indians. The Elections for the Assembly are now going on, so that it was impossible to call that body together to ratify it, but The President of the Republic has, in order to prove his perfect sincerity, ratified it himself thus pledging his credit that he will have it ratified immediately on the meeting of the assembly which will be on the 15<sup>th</sup> of January next.

I have not the slightest doubt from the feeling now entertained for me here, that it is quite safe, as they have pledged themselves in all sincerity to act in good faith. As I only signed the Treaty half an hour ago and the Courier has not a minute to spare, I cannot say more.

<sup>1</sup> See Clarke's note to the Guatemalan Minister of Foreign Affairs, dated October 1, 1859, and also his notes to the President of Honduras, dated October 1 and November 11, 1859, above, vol. iv, docs. 1518, 1519, and 1526.

<sup>2</sup> He refers to a controversy at this time between the United States and Great Britain, over the island of San Juan in the Strait of San Juan de Fuca, off the northern coast of the State of Washington.

at the censorious allusions in his Lordships note to the "Agents of the United States," which are equally unacceptable and uncalled for. But I shall not pursue the subject, nor seek to justify the cause of complaint by adverting to similar instances of unauthorized interference, by which the United States have heretofore suffered, and sometimes too without redress.

As soon as this Government learned from his despatches, that Mr. Clarke held views upon these questions inconsistent with its own, instructions were prepared and despatched to him, containing, for his information, a brief historical summary of the difficulties growing out of the Clayton Bulwer treaty, and of the positions which the United States had heretofore taken in relation to it, and containing also a statement of the propositions made by the British Government and accepted by this, by which the original demands of the parties were modified, and a mode provided for the adjustment of the existing difficulties.<sup>1</sup> I have already explained to Your Lordship the circumstances which prevented the transmission of these instructions to Mr. Clarke at an earlier day. I find however from his despatches, that since they reached him, he has faithfully obeyed them and has endeavored to coöperate with the British Minister, in his efforts to carry into effect the views mutually agreed upon by our respective Governments.<sup>2</sup> But unfortunately Mr. Clarke did not understand precisely the course which he was desired to pursue. It was not intended that he should enter into any written diplomatic discussions upon these subjects, but that he should repair to the place of negotiation and put himself in free communication with the respective Ministers, and that he should also explain frankly the views of the United States, and coöperate in the effort to carry them into effect. Mr. Clarke, it appears was prevented by physical infirmity from being present at the place of negotiation and he therefore addressed a communication to Mr. Wyke<sup>3</sup> and another to the President of Honduras presenting what he considered the views of his Government.<sup>4</sup> But in doing this Mr. Clarke engrafted the historical summary intended only for his own information into those despatches and thus communicated to the parties negotiating, views which then ought not to have been urged. It is true that these historical statements presented by Mr. Clarke are in conformity with the positions, which this government had uniformly maintained, but they had been modified by subsequent circumstances and I repeat that it was not designed they should be communicated to the negotiating parties. I cannot doubt, but that Lord John Russell will find in this recapitulation and statement a satisfactory explanation of the course pursued by Mr. Clarke. These views of the Department have been communicated to him, but while he has been informed, that his course upon the points indicated has not been approved, he has also

<sup>1</sup> See instruction No. 6 to Clarke, October 1, 1859, above, vol. IV, doc. 1123.

<sup>2</sup> See Clarke's despatches, above, vol. IV, pt. II, *passim*.

<sup>3</sup> For this note of November 9, 1859, see above, vol. IV, p. 808, note 4.

<sup>4</sup> See above, vol. IV, November 11, 1859, doc. 1526.



been assured, that the confidence of the Government in his patriotism and integrity is unshaken.

I have the honor [etc.].

2807

*Lewis Cass, Secretary of State of the United States, to George M. Dallas,  
United States Minister to Great Britain*<sup>1</sup>

No. 238

WASHINGTON, March 10, 1860.

SIR: Information has been received at this Department that two steamers have started from Havana for Vera Cruz in the service of the Miramon Government in Mexico and for the purpose as is supposed of setting on foot a blockade. As the Miramon Government, however, is not acknowledged by us, Mr. McLane and the officer commanding our naval forces in that quarter have been instructed<sup>2</sup> not to recognize any such blockade and, if necessary to protect United States vessels from any attack which the steamers may make upon them.

I am [etc.].

<sup>1</sup> Instructions, Great Britain, vol. 17.

<sup>2</sup> See No. 29 to McLane, dated March 10, 1860, below, vol. ix, pt. 1.

**PART II**  
**COMMUNICATIONS FROM GREAT BRITAIN**



## COMMUNICATIONS FROM GREAT BRITAIN

2808

*Martin Van Buren, United States Minister to Great Britain, to Edward Livingston, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 18

LONDON, February 28, 1832.

SIR: I received, on the 21<sup>st</sup> instant, your despatches N<sup>os</sup> 5 & 6,<sup>2</sup> the former informing me that the Senate of the United States had not confirmed my nomination as Envoy Extraordinary and Minister Plenipotentiary to this Court; and leaving it discretionary with me, according to my views of public good, either to return immediately to the United States, or to continue in the discharge of my diplomatic functions here, until the constitutional termination of my mission.<sup>3</sup> . . .

The packet by which your despatches above mentioned were received, also brought me your private letter of the 20<sup>th</sup> Ultimo,<sup>4</sup> which contains a paragraph respecting the supposed claim of the British Government to the Falkland Islands. I have already had an interview with Lord Palmerston on the subject, in which he informed me that he was not aware of the existence of any secret Article in the Treaty between England & Spain concerning those Islands; but that his Government had a claim to the territorial ownership of them; and he promised to furnish me with a Memorandum of the particulars of that claim. This Memorandum I have not yet received; but expect it in time to be forwarded by this opportunity. If I should be disappointed in this, the document will be sent by the next packet. Lord Palmerston will also instruct M<sup>r</sup> Bankhead to communicate with you upon the subject.<sup>5</sup>

<sup>1</sup> Despatches, Great Britain, vol. 38. Received April 9.

<sup>2</sup> Neither is pertinent to this publication.

<sup>3</sup> In the above paragraph he erroneously refers to the contents of the Secretary of State's instruction No. 6, instead of No. 5.

In the omitted portion the writer stated that he intended to return home before the expiration of his commission, and as soon as he could place the affairs of the legation in a proper state for his successor. It also comments upon the Secretary of State's instruction No. 5 to him, relative to additional consular agencies in England.

<sup>4</sup> Not found.

<sup>5</sup> The remaining part of the despatch relates chiefly to a claims case.

2809

*Aaron Vail, United States Chargé d'Affaires at London, to Louis McLane,  
Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 76

LONDON, July 13, 1833.

I have, this moment, received from the Buenos Ayrean Minister, copies of his protest against the British occupation of the Malvina or Falkland Islands, one of which accompanies this despatch.<sup>2</sup>

I have the honor [etc.].

2810

*Aaron Vail, United States Chargé d'Affaires at London, to John Forsyth,  
Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 149

LONDON, October 6, 1834.

The event anticipated at the date of one of my late communications has actually occurred; and Dom Pedro has ended a career, the closing scenes of which may serve to do away, in part, the unfavorable impression cast by the acts of his younger years upon his character as a prince and a man. He lived to see the successful termination of an undertaking in which he exhibited ability as a leader, and a firmness in recovering a kingdom for his child affording a singular contrast with the weakness he betrayed in losing an empire to himself. Through some energetic steps either from him or his friends, he saw his daughter, though yet a minor, apparently well seated on her throne, surrounded by a Ministry composed of her most influential Nobles, and holding undisputed sway over every part of her kingdom. All this was effected without commotion; and if appearances may be trusted, they promise well for the future destiny of Portugal, sustained, as henceforward it must be, by representative and liberal institutions— The death of Dom Pedro, and the accession of his daughter are not likely otherwise to influence the politics of Europe than by strengthening the bond which now unites the western States of the Continent in a great alliance in favor of the prevalence and diffusion of the principals of free Government— In our own hemisphere they may not be unproductive of salutary effects. It had

<sup>1</sup> Despatches, Great Britain, vol. 40. Received August 22.

The omitted portion relates to the abolishment of slavery in British colonies, and to other matters not pertinent to this publication.

<sup>2</sup> Not included in this publication. This pamphlet containing twenty-six folio size pages, is printed in English and French, in parallel columns, and entitled, "Protestation Du Gouvernement Des Provinces Unies Du Rio De La Plata."

<sup>3</sup> Despatches, Great Britain, vol. 42. Received November 12.

The omitted portions at the beginning and end of this despatch do not pertain to inter-American affairs.

been asserted, & believed by many, that Dom Pedro still entertained a desire either to see himself re-instated in his former dignity of Emperor of Brazil, or of reducing that country to its ancient colonial state under the sway of one and the same Government; and that he intended to apply to the fulfilment of that desire the means which had served him to re-conquer Portugal for his daughter.— He formally disclaimed all such desires or intentions; but, whether feigned or real, the fear of his attempting to realize them appeared, from documents emanating from the Brazilian Government, to have produced some excitement there; and it is quite certain that a party in that country have made use of the name of Dom Pedro and of his pretended right to the Imperial crown, to oppose the existing order of things by creating popular commotions which have, in several instances, seriously endangered the peace of that country. There is little cause to apprehend that the present rulers of Portugal will turn their views towards the American portion of the inheritance of the Braganza family; and, the pretext ceasing, it may be hoped that the opposition which availed itself of it will also cease to disturb the reign of the infant Emperor.

## 2811

*Aaron Vail, United States Chargé d'Affaires at London, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

No. 176

LONDON, March 4, 1835.

SIR: Aware of the interest which our Government always has taken in the settlement of the Spanish American States, and especially in the acknowledgment of their independence as separate Nations by Spain, I have not been inattentive to such occurrences as, since I have had charge of the Legation, have appeared to me calculated to affect their political existence or advancement; and, though not particularly instructed on the subject, I have, whenever fit opportunities presented themselves, in my intercourse with public functionaries here, and with the Agents of other foreign Powers, endeavored, informally to set in a proper light before them what I conceived to be the sentiments of my Government, as to an ultimate adjustment of the differences still existing between Spain and her former colonial possessions. From the Ministers of the American States, I have often received earnest acknowledgments of our efforts to bring about that desirable result; and they have freely communicated to me the views of their respective Governments in relation to that subject. If I have hitherto refrained from alluding to it in my correspondence with your Department, it was because nothing of a sufficiently definite character had come under my observation to induce a hope that any intelligence I had to impart was likely to prove particularly inter-

<sup>1</sup> Despatches, Great Britain, vol. 43. Received April 13.

esting—Conversations which I have had—, lately, with the Ministers of Mexico and Spain, afford me a motive for laying before you a recapitulation of all the information I have collected at various times, under the impression that it may now have some claim to your consideration.

Since I have resided here, Mexico and the Argentine Republic have been represented at the British Court by Ministers of the highest rank. With the one from Buenos Ayres, my intercourse—somewhat affected perhaps, though not from any act of mine, by our dispute with his Government respecting the Malvina Islands—has been rather distant and embarrassed; but, with the present Mexican Representative, as well as with his predecessor, I have always been on a footing which justified the most unrestricted exchange of sentiments. The Gentleman who now fills the station is a patriot of the better days of the Mexican Republic, who resigned his commission on hearing of the political course lately adopted by President Santa Anna. So satisfied, however, is he that Spanish domination has forever been eradicated from the American Continent, that he considers the acknowledgment of the independence of his country by Spain as a mere formality from which no official benefit could accrue to it. He, on the contrary, feels persuaded that the admission into the Mexican territories, of Spanish subjects, and among them, of those who have been banished thence for exciting disturbances and insurrections in favor of the Spanish Crown—which would be the inevitable result of the establishment of political and commercial relations with Spain, would endanger the domestic peace of the country, and create evils for which no advantage likely to be derived from it could compensate. He has therefore rather discountenanced than encouraged the disposition at times evinced by his Government to seek a reconciliation with Spain, and made but a negative use of the authorisation he has of opening negotiations to that effect, whenever he should think it expedient to do so. From like motives, he has, likewise turned a deaf ear to the advances made to him with the same view, by agents of the Spanish Crown—Whether from that aversion, or from other causes, the Mexican Government has, so far, made no other direct overtures to the Mother-country; but, in the course of last Summer, General Montilla, as Commissioner from the Republic of Venezuela, arrived in London, bearing Full Powers from his Government to open a negotiation with the Plenipotentiaries of Spain for the formal recognition of the independence of that State and the establishment of political relations between the two Countries. Immediately upon his arrival in London, the General placed himself in direct communication with the Marquis of Miraflores, then the Representative of Spain at this Court, and by correspondence, with the Minister for Foreign Affairs at Madrid. I have obtained copies of the communications which passed between them on the occasion, and beg leave, *confidentially* to lay them before you,<sup>1</sup> as serving to show the terms upon

<sup>1</sup> Not included in this publication.

which Spain had consented to treat with one of her revolted Colonies, and, no doubt, her readiness to act in the same manner towards the others.

You will perceive from those documents that the proposition of General Montilla was to negotiate, under full powers from the Republic of Venezuela, a Treaty of Peace, Amity and Commerce upon the basis of absolute independence; and that his proposition was met by Mr. Martinez de la Rosa with a declaration of the intention of the Spanish Government to enter into the contemplated negotiation with a view to the final adjustment of all differences, free from recriminations for the past, exorbitant pretensions for the present, or crafty views for the future; and with an invitation to the Venezuelan Commissioner to repair for the purpose to Madrid under such safe-conduct and guarantees as he shall require, and every assurance of the most favorable reception. You will, likewise, find among the documents a copy of the Passport granted accordingly by the then Spanish Minister here to General Montilla, guarantying to him and the persons of his Suite all the immunities usually enjoyed by Diplomatic Agents under the Law of Nations.

Circumstances compelled General Montilla to return to Carracas [Caracas] before he could accomplish the object of his mission; but he has been replaced by General Soublete, a Commissioner invested by the same Government with similar Powers, who, within a few days, arrived in London, and immediately entered into communication with General Alava, now Minister from Spain at this Court, with whom he resumed the negotiation at the point where it had been left by their predecessors.

Before apprising you of the foregoing circumstances, which I derived exclusively from parties on one side of the question, I was desirous, for fear of making ex-parte statements, only, of becoming acquainted with the views entertained on the other side; but did not feel authorised to volunteer any communications to the Spanish Minister on a subject on which I was not especially instructed. I had, however, a few days ago, the satisfaction of receiving a visit from General Alava, the principal object of which was to impart to me the sentiments of his Government respecting it. He said that, knowing that our Diplomatic Representatives at this, and other Courts, had, in times past, taken an interest in the settlement of the differences existing between Spain and her former Colonies, he came, in furtherance of the wishes of his Government, to apprise me of the determination recently adopted by it not to let those differences interrupt any longer the intercourse between America & Spain; and after referring, as an evidence of the earnestness of that determination, to the correspondence which had lately passed between the Spanish Cabinet and our Minister at Madrid, whereby the altered policy of that Cabinet had first been published to the World, he said that he had recently concluded with General Soublete arrangements under which that gentleman was immediately to repair to Madrid, protected by every guaranty that he had required, for the purpose of negotiating the formal acknowledg-



ment of the independence of Venezuela by Spain, and a Treaty of Amity and Commerce upon the most liberal basis, and as between Nations treating as equals, and free from any embarrassments growing out of their former relations. He said that, the more to evince the sincerity of his Government, he had bespoken the interest of Great Britain in the success of the negotiation; and so far succeeded, as to obtain the services of a Ship of War for the purpose of conveying General Soublete to his destination, and the promise of whatever other facilities could be afforded to promote the conclusion of an arrangement.—He added that he was instructed to render the same assistance to the Agents of any of the other American States who might choose to avail themselves of them; and, as he believed that this evidence of the friendly disposition of Spain would induce them all to follow the example of Venezuela, he took pleasure in imparting to me intelligence which seemed to promise the realisation of wishes known to have long been cherished by the United States.

I answered that I received his communication with a conviction that it would afford satisfaction to the President, to whom I would hasten to convey it; and I enquired, whether he was apprised of the basis upon which the proposed reconciliation would be effected, and whether Spain would require any conditions as the price of her acknowledgment of the independence of Venezuela. He said that he felt certain that no onerous conditions would be imposed: That he was not specifically informed of the intentions of his Government upon that head; but that his belief was that no commercial privileges or exemptions would be insisted upon: That some clauses would, probably, be proposed to regulate the admission of the Citizens of each Country in the territories of the other; That he thought it possible that a proposition would move from the Spanish Government for the assumption, by Venezuela, of a proportionate share of the public Debt of Spain; but that, feeling convinced that Venezuela would not consent to it, he believed that his own Government would not insist upon a condition the fulfilment of which would be so evidently beyond the power of the new Republic; and that he had felt himself authorised to give General Soublete an assurance that no proposition of the kind would be suffered to prevent the success of the negotiation. General Alava dwelt at length upon the wishes of his Government that the frank and liberal course it now pursued might have the effect of removing the distrust which seems to have hitherto withheld the American States from coming forward to seek alliances with Spain; and upon the happy influence which the consummation of those wishes could not fail from exercising, not only upon their settlement & advancement, but upon the prosperity of the remaining Spanish Colonies, and the general commerce of the American hemisphere.

Notwithstanding these apparently unequivocal indications of sincerity, *the Mexican Minister still withholds his confidence from the rectitude of the*

intentions of Spain—He looks upon her present propositions as of the same character with those which, years ago, were put forth by her, even at the time when her troops were invading the Mexican shores, with the sole view of restoring her influence in those Countries by means of a strong infusion of Spanish population, and, with it, of Spanish feelings & intrigue. He adduces in support of his suspicions the language of a Memorial very recently addressed by the Chamber of Procuradores to the Queen Regent, asking her to open negotiations with the American States for the purpose of restoring commercial intercourse with them; reserving the more difficult question of political relations for future discussion and adjustment—It must be confessed that such a document, published at this particular time, and varying so materially from the tone of the propositions above referred to, is not a little calculated to excite a suspicion that, on the part of the Legislature, at least, if not on that of the Spanish Cabinet, there exists a desire to secure all the advantages of a free intercourse with the American Continent, without formally relinquishing those claims to territorial Sovereignty of which the inhabitants of that continent are so jealous and never will recognise. Evidences of the existence of such suspicions are visible in various quarters; and, even in Venezuela,—accounts recently received here from Carracas [Caracas] state that the expediency of General Soublete's mission was canvassed by the Press, and disapproved on the ground that, inasmuch as Spain was now the party most deeply interested in the arrangement of existing differences, it was her part to come forward and sue for terms of accommodation.

Some allowance is perhaps to be made for the existence of greater want of confidence in Mexico than elsewhere in the honesty of the views of Spain, on account of that country having been the point upon which she directed her last attempt to recover her lost power. A change in the Mexican Mission here is expected soon to take place; and the Gentleman now at the head of it thinks it more than probable that his successor may be instructed at least to test the sincerity of Spain by consenting to open with her such a negotiation as that which is now in progress between her & Venezuela.

I am [etc.].

2812

*Aaron Vail, United States Chargé d'Affaires at London, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 200

LONDON, August 29, 1835.

In a former communication I apprized you of the departure of General Soublete for Madrid under a safe-conduct from the Spanish Government, in

<sup>1</sup> Despatches, Great Britain, vol. 43. Received October 12.

The omitted portion at the beginning of this document acknowledges receipt of instructions which are not pertinent to this publication, and also relates to commercial affairs.

the character of Commissioner to treat for the acknowledgment of the Independence of the Republic of Venezuela. The interest felt by the United States in the accomplishment of that object has led me to observe with care the progress of that negotiation, which, however, does not appear to have kept pace with the anticipations of prompt success at first encouraged by the bearing of the Spanish Cabinet. The delay has, however, probably been more the result of the procrastinating habits of that Cabinet than of any positive backwardness on its part to move on towards a final adjustment of the matter; since while obstacles seemed to arrest the progress of the negotiation at Madrid, efforts were made here to induce the Mexican Minister to proceed to that Capital in order that his country should be included in the arrangement— This gentleman unwilling to become a party to any arrangement of the success of which any doubt should be allowed to exist, states categorically the conditions on which, alone, he would accept the invitation of the Spanish Government and the terms which he would insist upon as the basis of the negotiation—Although those terms have not been expressly accepted, on the ground that they, themselves, constitute the points of negotiation, such assurances of their proving acceptable have been given him that he no longer feels himself at liberty to resist the pressing instances of the Madrid Cabinet that Mexico, as the leading Power among the Spanish American States, should occupy the first place among the Parties to the contemplated arrangement. Mr. Santa Maria accordingly leaves London this day, on his way to Madrid, supplied by the Spanish Embassy with passports styling him a Diplomatic Minister of the Mexican Republic; and his conviction, as expressed to me in conversation, last night, is that nothing but unforeseen political revulsions in Spain can frustrate the object of his mission.

I am [etc.].

2813

*Aaron Vail, United States Chargé d'Affaires at London, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

Unofficial.

LONDON, October 30, 1835.

MY DEAR SIR: By an introductory letter of which Colonel Galindo of Central America was the bearer, and which I received soon after the arrival of that Gentleman in London, you desired me to give him what facilities and advice I might be able privately to afford, and to report to you, unofficially, the result of his mission.<sup>2</sup> It has given me much pleasure to comply with your wishes; and, in my frequent conversations with Colonel Galindo, I have been unreservedly made acquainted with every step he has taken to accomplish his object. I am not yet able to say any thing as to the probable result of his exertions; but as I have before apprised you of what has occurred

<sup>1</sup> Despatches, Great Britain, vol. 43. Received December 30.

<sup>2</sup> Not found.

here towards procuring from Spain the acknowledgment of the independence of the American States, it may be interesting to you to know that the Government of Central America is preparing to open negotiations for that object; and that Col. Galindo is one of three persons proposed by the Senate of Guatemala for the choice, by the Executive, of a Minister to proceed for that purpose to Spain. Col. Galindo believes that the choice will fall upon him, but still expects, before he is obliged to leave London for Madrid to receive from the British Government a decision on the subject of his business here.

I am [etc.].

## 2814

*Aaron Vail, United States Chargé d'Affaires at London, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 237

LONDON, April 22, 1836.

SIR: I have the honor, at the request of the Minister of Buenos Ayres at this Court, to transmit to you the enclosed printed copy of a refutation of certain alleged calumnies published in some french paper against his Government—Anxious to preserve for his country the good opinion of the American People, that Minister has desired me to invite your attention to the statements in that paper.<sup>2</sup>

## 2815

*Andrew Stevenson, United States Minister to Great Britain, to John Forsyth, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 4

LONDON, August 6, 1836.

I refer to you the Times of this morning for the sketch of a debate which took place last night in the House of Commons, upon the subject of *Mexico & Texas*. You will perceive that they are already looking with some feeling to the probability of the latter's coming into the Union, & preparing to oppose it. I know nothing of the individuals who participated in this debate, (and especially Mr. H. G. Ward who made some allusion to yourself) but I should be inclined to think, they were not very prominent men, nor thr [their] opinions calculated to have much weight. Lord Palm-

<sup>1</sup> Despatches, Great Britain, vol. 43. Received May 29.

<sup>2</sup> Not included in this publication. This pamphlet containing ten folio size pages and printed in Spanish and French, in parallel columns, is entitled, "Refutación Dirigida al Gobierno Francés."

The remaining part of this despatch relates to English politics.

<sup>3</sup> Despatches, Great Britain, vol. 44. Received September 12.

The omitted portion at the beginning of the despatch relates to commercial affairs and to shipwrecked slaves.

erston in his reply took the proper view, as to the course of the Government of the U. States, in relation to the civil contest between Mexico & Texas.—

I am [etc.].

2816

*Andrew Stevenson, United States Minister to Great Britain, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 9

LONDON, October 29, 1836.

SIR: I received by the last Packet your despatch of the fourteenth of September,<sup>2</sup> enclosing a copy in cipher of Mr Ellis's communication<sup>3</sup> and requesting me to take an early opportunity of speaking confidentially with Lord Palmerston upon the subject to which it relates. I immediately addressed a note to his Lordship, asking an interview, and received an answer through the Foreign Office, that he was in the Country, but would return in the course of a few days. On Sunday evening Lord Palmerston came to Town, and I was invited to meet him at the Foreign Office, on Monday last. I accordingly attended on that day, and the interview took place. I stated to him at once very frankly that the subject upon which I wished to converse was in relation to Mexico and Texas, and that he would consider what I was about to say as confidential, and of an informal rather than official character. He readily assented, and said that he would receive with pleasure any communication I might be disposed to make, and in the mode I chose to adopt. Deeming it best to say nothing of Mr. Ellis's letter to you, or your despatch to myself I opened the subject by a general reference to the existing state of things in Mexico & Texas, and the rumours which were afloat on both sides the Atlantic (in relation to which we had before incidentally conversed) as to the probable desire of Mexico to get some Foreign aid in the contest she was waging with Texas. That I had reason to know, that my own Government, had received information, that some application of the sort, had either been made, or was about to be submitted to His Majesty's Government by that of Mexico; nominally as it was said for the purpose of *executing the existing Treaty by which Great Britain was bound to cooperate with Mexico, in resisting the extension of the Slave Trade* but *virtually* for aid in *putting down the revolution in Texas*. That however the public sympathy, (founded on the nature of the struggle) might have roused certain portions of the American People, and disposed them to espouse the cause of Texas (of which I intended to express no opinion) yet the Government of the U. States pursuing its shady course of Policy, had preserved its neutrality & taken no part in the struggles

<sup>1</sup> Despatches, Great Britain, vol. 44. Received December 28.

<sup>2</sup> See above, this volume, pt. 1, doc. 2673.

<sup>3</sup> See below, vol. VIII, despatch No. 13, from Minister Ellis, dated August 3, 1836, doc. 3353.

between Mexico & Texas. That altho' upon the subject of slavery in Texas, it was a matter of indifference to the American Government, whether they foiled, or permitted domestic slavery, it would yet not be a matter of indifference to it, if any attempt should be made by a Foreign Power to dictate to Texas upon a subject of Domestic Policy, and to us of so delicate & interesting a character. That whilst the Government of the U.-States did not anticipate that any proposition of the kind, if made, would be acceded to by His Majestys Government, it was due to the friendly relations which now so happily existed between the two Countries, to say frankly to his Lordship, *that any attempt at intervention by a Foreign Power for any such purpose, would not only be regarded with sensibility & regret by my Government, but might impose upon it the high obligation, (arising from the dangers of necessity and the Laws of self defence) to interpose for the purpose of preventing it.* That from a desire to guard before hand, as far as possible against all difficulty which might arise from any such application by Mexico to His Majestys Government, and preserve our kind relations I had sought the earliest opportunity of placing his Lordship in possession of what he knew to be the sentiments and feelings of my Government upon the subject. That I had done so with feelings of the most perfect respect, and in the most conciliatory spirit, and if he felt himself at liberty, to communicate on the subject, or make known the state of the existing relations between his Majestys Government and Mexico, I should be gratified in his doing so. That if on the contrary he felt the slightest delicacy on the subject, I begged him at once to say so. His Lordship answered promptly that he felt no difficulty upon the matter. That he had heard me with pleasure, and would answer in the frank manner in which the communication had been made. He said it was true, that a proposition had been made by the Mexican Government to his own through their respective Ministers in Mexico and London, but not at all of the character that I had supposed. That in the progress of the recent commotions in Texas, intimations probably had been received by the Mexican Government, which they had credited, that the Government of the U. States had not been entirely neutral. That Mexico had believed, that important aid had been given to Texas, by raising, and arming men, and furnishing munitions of war, money, &c within the U. States, which tho' not done with the consent, or participation of the Government, has yet not prohibited or punished. That under this state of things, Mexico, no doubt, had been induced to make application to His Majestys Government to lend its *good offices for the purpose of interceding with the American Government to observe not only its neutrality, but preventing as far as it could, its citizens from continuing to take part with Texas against Mexico.*—That His Majesty's Government had however, promptly declined having any thing to do with the subject, and had given this answer to the application.—That since doing so, nothing further had transpired in relation to the subject.—Lord Palmerston did not hesitate

to admit in the course of the conversation, that if any proposition, such as I had supposed, had been made by the Mexican Government, it would not have been listened to, by that of Great Britain.—He moreover said (in answer to the explanations which I deemed it my duty to make in placing the course of our Government in its proper light in relation to the war in Texas) that whatever might have been done by individuals in the U. States concerning Mexico and Texas the conduct of the Government he believed to have been neutral. That he had expressed upon another occasion publicly his opinion on the subject and had since seen nothing to change it; on the contrary he had seen a strong disposition manifested by the President to enforce the Laws of the Country in Causes of neutrality.—I took occasion to express my gratification and that which I was sure my Government would feel at the sentiments he had expressed, and at the manner in which the approaches by Mexico had been met by His Majesty's Government.—The interview here closed. In giving you the result of it, I have deemed it proper to state the substance of what occurred that you might see the manner in which your instructions have been executed. I flatter myself it will meet the approbation of the President and yourself.—The whole interview was marked by the best feeling. Indeed, I should not discharge the duty I owe Lord Palmerston, if I did not offer my tribute of acknowledgment to the fairness and liberality, which he has uniformly displayed towards our Country, in all my intercourse with him, and the desire which he seems to feel, to preserve the best relations between the two Countries.<sup>1</sup>

2817

*Andrew Stevenson, United States Minister to Great Britain, to John Forsyth, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 26

LONDON, May 29, 1837.

I received a few days ago from Don Vincentie [Vicente?] Pazos, the Consul General of Bolivia, an Expose of the existing discensions between Chile & the Peru Bolivian Confederation,<sup>3</sup> which at his request, I forward for the information of our Government.—

I am [etc.].

<sup>1</sup> The portion of the document omitted here relates to shipwrecked slaves.

<sup>2</sup> Despatches, Great Britain, vol. 44. Received July 12.

The omitted portion relates to a claims case.

<sup>3</sup> Not found.

2818

*Andrew Stevenson, United States Minister to Great Britain, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

No. 28—Confidential.

LONDON, June 16, 1837.

SIR: I have the honor of communicating to you confidentially, the result of an interview I have lately had with Lord Palmerston, on a subject of a *very delicate, and interesting character*.—

You have doubtless seen, both in the English and French newspapers, the various *speculations* which have appeared on the subject of a large *Spanish loan*, supposed to have been made by a Banker in Paris, upon condition that France or England, would give some garrantee, connected with the *Islands of Cuba, Porto-Rico, and the Philippines*.

Having received information, from sources that I could rely on, that propositions from the Government of Madrid, had actually been made for a loan of six millions of pounds sterling, and that Agents had been sent to Paris and London for the purpose of consummating the loan, and negotiating with the two Governments on the subject of the garrantee; I deemed it my duty to take an early opportunity of having an informal conversation with Lord Palmerston; and accordingly last week, asked an interview for that purpose, the result of which, I now communicate.—

I stated to Lord Palmerston that the object of my visit was, to converse with him unofficially, and confidentially, upon the subject of this Spanish Loan, and that I hoped if he felt any delicacy on the subject, he would frankly say so.

His Lordship at once said, that there was not the slightest objection to the course I proposed, and that he would hear with pleasure, any thing I might be disposed to communicate.

I opened the subject by stating that I presumed he had seen the publication with which the French and English Papers had been filled, on the subject of this Loan—That I had good reason for believing that propositions had been made both to *France, and Great Britain*, for the purpose of some garrantee connected with the Islands of Cuba, and Porto Rico—That in the absence of instructions from my Government, and ignorant of what His Majestys Government had done, or might be disposed to do, in relation to the matter, I felt it to be my duty to take the earliest opportunity of placing His Lordship in possession of what I knew to be the views of my Government on the subject of these Islands, and of reminding him of the course it had heretofore felt itself justified in taking in relation to the subject—

I proceeded to give a brief explanation of the geographical relation of these Islands, to the United States, and the consequences that would be likely to follow their separation from the dominion of Spain.—That the possession

<sup>1</sup> Despatches, Great Britain, vol. 44. Received July 27.



of Cuba by a great maritime Power, would be little else than the establishment of a Fortress, at the mouth of the Mississippi, commanding both the Gulfs of Mexico, and Florida, and consequently, the whole trade of the Western States; besides deeply affecting the interests, and tranquillity of the southern portion of the Union.—That under such circumstances it was not to be expected (if the subject was even now for the first time agitated) that the United States could remain indifferent to the destiny of Cuba, or its separation from Spain—I remarked however, that the question was not a new one; and referred to the course of our Government heretofore on the subject—! I reminded His Lordship of the declaration made by our Minister to the French Government in the Year 1826, "*that the United States could not see with indifference Porto Rico & Cuba, pass from Spain into the possession of any other Power*"—That France, at that time, so far from complaining of this course as a breach of neutral duty, or interference with the concerns of other Nations, acquiesced in it.—I referred also, to the proceedings which took place in Mexico, in 1825-6—between the Agent of Great Britain and the Minister of the United States, in which he identified himself in the communications received, and made, on the appearance of a French Fleet in those Seas.—That these views of our Government were made known at the time to the Russian Government, and by it, to all the Courts of Europe—.

Under such circumstances I felt justified in saying frankly to His Lordship, that it was impossible that the United States could acquiesce in the transfer of Cuba from the dominion of Spain to any of the great maritime Powers of Europe.—That of the right of the U. States to interfere in relation to these Islands, I presumed there could be little doubt!—That whilst the general rule of international Law, which forbids the interference of one state, in the affairs of another, was freely admitted, there were yet exceptions, to the rule, in relation to the laws of defence & self preservation, which all Nations acknowledged; and that the present, was precisely such a case!—That in this vein and with a sincere desire to guard against possible difficulties, I deemed it proper to say, what I had, and hoped His Lordship would receive it in the spirit in which it was offered.—

Lord Palmerston in reply, said very little! He assured me that he understood, and appreciated the motives which had produced the interview,—He said that the Government of Spain was no doubt desirous to terminate their civil wars, and he seemed to think that it could only be done by a large loan of money.—That efforts had been made for that purpose in the manner supposed, but on what terms the Loan had been proposed, or whether they had been successful, or not, he did not say, nor did I think, it proper to enquire—

His Lordship admitted, that propositions had been made to Great Britain on the subject of the Loan, (the nature of which he did not state) but he said that they had been declined, by His Majesty's Government. He remarked however at the same time that the consent of Parliament was necessary to the

fulfilment of any pledge of the character supposed, and that under the present state of things there would be very little probability of any such consent being given. This remark was made in a way, that left me at liberty to draw my own conclusions as to what the Government here might have been disposed to do, if the consent of Parliament could have been obtained.—

It is proper also that I should state, that having expressed in the course of conversation my impression that the course and policy of France could not I thought be mistaken, and that I had reason to believe that she would not for a moment listen to the application which had been made to her, on the subject; Lord Palmerston remarked *that considerations of that nature could not be permitted to influence the conduct of Great Britain.*— That in deciding all such questions, His Majesty's Government could not listen to the opinions, or views of any Foreign Government; but must decide for itself! This remark was made by His Lordship in good temper, but its tendency was too obvious, to be mistaken.—

I replied to it, by stating that my remark to which his was an answer, was entirely incidental, and merely intended to show, that the opinions of France in relation to Cuba, had undergone no change since the Year '25-'26; but were in accord with those of the United States—. To this, Lord Palmerston said nothing.—

As there seemed to be no desire on the part of His Lordship to continue the conversation, and having accomplished what I had intended, I forbore to press the subject, and the interview closed.—

It is proper however to state that the language and manner of Lord Palmerston were in the highest degree conciliatory, though evidently, *more marked*, than usual.—

You will see that I took care to guard against misconstruction, or commitment of our Government, by expressly stating at the outset, that I was *neither instructed, or authorised* to say any thing on the subject, but was acting solely, on my own responsibility.—

I need not say that I shall feel gratified if the course which I have taken shall meet the approbation of the President—!

I am [etc.].

## 2819

*Andrew Stevenson, United States Minister to Great Britain, to John Forsyth, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 56

LONDON, November 5, 1838.

SIR: On my return from Scotland (where I had gone for the benefit of my health) I found your despatch N<sup>o</sup> 46, under date of the 15<sup>th</sup> of September.<sup>2</sup>

<sup>1</sup> Despatches, Great Britain, vol. 45. Received January 4.

<sup>2</sup> Above, this volume, pt. I, doc. 2674.

There was some difficulty in obtaining the papers you desired relative to the Falkland Islands. After diligent search, they could no where be found but in the Annual Register for the year 1771; and I am not quite sure, that the Report contains all you want. Not knowing whether the Annual Register is to be had in Washington, I send you the volume containing the publication which I have had procured. I did not think it proper to make an application to the State Department for Official Copies, until I knew whether those sent, would answer your purpose. . . .<sup>1</sup>

Another cause of excitement has been the blockade of the Mexican Ports by France. This has reached throughout the whole Kingdom. Last week a deputation from several of the large Commercial and Manufacturing Cities of England, Scotland and Ireland, attended at the Foreign Office to remonstrate against the Conduct of the French Government and solicit the aid of the Government in the removal of the Blockade.— Lord Palmerston admitted that an application had been made by Mexico to refer the subject which had been rejected by France; that the British government had been using its best efforts to get the dispute settled, and he entertained the hope that it would be accomplished; that M<sup>r</sup> Pakenham [Pakenham], the British Minister, had returned to Mexico and a Naval Force sent under command of Sir C. Paget to the Coast of Mexico for the purpose of protecting British interests. I think it more than probable, that some enquiry will be made of me as to the course which the United States will take. I should like to be apprized of the President's views, and what our government mean to do. As soon as Lord Palmerston returns to town, I will converse with him informally on the subject.<sup>2</sup>

2820

*Andrew Stevenson, United States Minister to Great Britain, to John Forsyth, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 63

LONDON, January 24, 1839.

Soon after my despatch of Dec<sup>r</sup> 12<sup>th</sup>,<sup>4</sup> I had an interview with Lord Palmerston at the office of Foreign Affairs in relation to the controversy between France and Mexico. I communicated to him the President's wishes

<sup>1</sup> The omitted portion relates to shipwrecked slaves, and it also relates to European political affairs.

<sup>2</sup> The remaining part of this document relates to Canadian affairs, and it also relates to a treaty between the United States and Greece.

<sup>3</sup> Despatches, Great Britain, vol. 46. Received February 18.

The omitted portion at the beginning of this despatch relates to claims cases.

<sup>4</sup> It is not pertinent to this publication, except for the acknowledgment in it of the Secretary of State's instruction No. 48, dated October 29, 1838, concerning the President's offer of assistance to the French Government in settling the difficulties between France and Mexico, which went also, on the same date, to Minister Cass, in France, as No. 30, and which will be found, above, vol. vi, pt. v, doc. 2469.

on the subject of the proposed mediation, and wished to be informed (if he felt at liberty to communicate them) what measures had been taken, if any, by Her Majesty's Government with a view to an adjustment of the pending controversy. He at once said that he had no difficulty in communicating all that had been done, and that it would give him pleasure to do so. He stated that a direct offer had been made some time ago by Mexico, to France, to refer their differences to the mediation of Great Britain, which, however, was promptly rejected by France. That the Mexican Government then proposed that Great Britain should herself make an offer to mediate, which Her Majesty's Government consented to do, and the offer was accordingly made through Lord Granville, their Minister in Paris. That France received the offer very civilly; returned her thanks, but said nothing more; in other words declined it. That a short time afterwards the offer was again repeated by this Government, and an answer then given that the mediation was respectfully declined, but that the French Government would be thankful if Great Britain would interpose her friendly offices for the purpose of inducing Mexico to acquiesce in the demands of France. That Her Majesty's Government had accordingly consented to do all in its power for the adjustment of the dispute, and had taken measures for that purpose, but that nothing definitive had as yet resulted. That a Minister had been sent to Mexico (in the place of a Chargé d'Affaires) with suitable instructions, but they had not heard from him since his arrival. Lord Palmerston also stated that Admiral Paget had gone (or been ordered, I don't recollect which) from the S<sup>t</sup> Lawrence to the South, with a view of protecting British Commerce on the Mexican Coast, and giving weight to the representations of their Minister &<sup>d</sup> &<sup>e</sup> His Lordship likewise, in the course of the conversation, mentioned a circumstance of some interest, which I think it proper also to communicate. It was this— That Count Molé, had stated to Lord Granville a short time before San Juan d'Ulloa was taken, that it was their intention to seize it, but that they did not *intend holding it, longer than was needful to coerce Mexico into terms*. Under the circumstances, and situated as this Castle was, instructions, he said, were given to Lord Granville to call on Count Molé and ask, that *they might be favored with a Note stating this fact*, which was accordingly done. Lord Palmerston seemed to think that there was every probability of the difference being settled, and that both parties ought probably to yield something. He said however that it would afford Her Majesty's Government sincere pleasure if the United States would unite and interpose its kind offices in any manner, beneficial to the parties, and calculated to bring about a happy conclusion of this controversy; and he hoped the President would feel no delicacy on the subject in consequence of any thing which had taken place on the part of his Government. This, as nearly as I can recollect, was the substance of what passed between us. Although the conversation may not have been considered by Lord Palmerston as entirely con-

fidential, it is yet proper to say that there are probably some parts of it which it might not be expedient to make public. Of this however, you will judge. I think it quite clear that in relation to the taking of San Juan d'Ulloa, and the movement of a Naval Force to the coast of Mexico, it was the intention of this government to prevent the French from taking this *key* to the whole South American Trade, with any view of holding it; a step which we can very easily understand, taken in connection with Cuba, and the United States under like circumstances. However, this is rather what I supposed Lord Palmerston might have said, than what he did say, upon the subject.<sup>1</sup>

2821

*Edward Everett, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 13

LONDON, May 6, 1842.

SIR: I take advantage of the extra mail by the British Queen Steamer to address you the present despatch.

My despatch N<sup>o</sup> 12,<sup>3</sup> with its accompanying documents, was transmitted by the Liverpool & Halifax Steamer of the 4<sup>th</sup> inst.

M<sup>r</sup> Washington Irving arrived in town on the 1<sup>st</sup> inst. on his way to Spain. On the 3<sup>d</sup> I called with him on Lord Aberdeen at the Foreign Office. In the course of our conversation, Lord Aberdeen observed that Prussia and Russia had left the question of recognising the present order of things in Spain, to be decided by Austria; and that Prince Metternich took the ground that the Government of Queen Isabella II was not yet sufficiently settled to be recognised. Lord Aberdeen said that since he had been in office, nothing had engaged more of his attention than this subject, and that his efforts had been unwearied to induce Austria and her allies to recognise the present government, believing that their refusing to do so was one great cause of the continuance of the disorders in Spain.

Having learned from a correspondent in the United States, that there were suspicions afloat there, that Great Britain was aiding Mexico in her present movement in Texas, I observed to Lord Aberdeen, that such suspicions were entertained, by some persons. He replied with great readiness, that there was no foundation for such a belief; adding with a smile, that M<sup>r</sup> Murphy, (the Mexican Chargé d'Affaires at this Court,) could satisfy me on this head: I inferred from this remark, that the Mexican Government had endeavoured, in some way or other, to obtain the countenance at least of England for the reconquest of Texas; perhaps to the extent only of suspending the exchange

<sup>1</sup> The portion of the document omitted here relates chiefly to commercial affairs and to European politics.

<sup>2</sup> Despatches, Great Britain, vol. 49. Received May 30.

<sup>3</sup> This despatch relates to claims cases.

of the ratification of the treaties between that country and Great Britain. This, Lord Aberdeen observed had been with[h]eld, till Texas should ratify a Convention relative to the suppression of the Slave trade, which she had lately done.<sup>1</sup>

2822

*Edward Everett, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 15

LONDON, June 17, 1842.

A short time since, M<sup>r</sup> Ashbel Smith, accredited as the Chargé d'Affaires of Texas to this Court and that of Paris, arrived in London. He brought me a private letter of introduction from General Houston, President of Texas. At M<sup>r</sup> Smith's request, I introduced him to Lord Aberdeen at the Foreign Office on the 16<sup>th</sup> of May. The immediate object of M<sup>r</sup> Smith's Mission to London was to exchange the ratification of the Treaties between Texas and this Country, and to announce the blockade of the Mexican Coast. It is provided in the treaties that the ratification shall take place on the 1<sup>st</sup> of August. M<sup>r</sup> Smith was desirous of anticipating that date, and has invited Lord Aberdeen to do so. Lord Aberdeen not having given a very decisive answer to this proposal,—nor in fact a prompt answer of any kind,—M<sup>r</sup> Smith has been under some apprehension, that it was contemplated to postpone the ratification, with a view perhaps of bargaining for the raising of the blockade. Such a course certainly was talked of in the City, where the blockade is very unpopular. Sir Robert Peel, however, stated positively in the house of Commons two days ago, that he was prepared to advise that the treaties should be ratified on the 1<sup>st</sup> of August; although he intimated some doubts whether the late Ministry had acted wisely in negotiating them.

The blockade has been announced in the Gazette. But in answer to some enquiry in the house of Commons, Sir Robert Peel said that the annunciation of the blockade in the Gazette was not to be regarded as a pledge that the Government would respect it, and that he greatly regretted that it had been declared. Lord Aberdeen, however, has told M<sup>r</sup> Smith, that if it appeared, that the blockade was adequately enforced, it would be respected. M<sup>r</sup> Smith has received information of one and, I believe, two armed steamers fitting out in this Country, on Mexican account, to raise the blockade. He proposed to make this the subject of complaint to this Government and to invoke their interference.

I am [etc.].

<sup>1</sup> The remaining part of this document relates to the reception given in London to Washington Irving, United States minister to Spain, and to other matters not pertinent to this publication.

<sup>2</sup> Despatches, Great Britain, vol. 49. Received July 9.

The omitted portion at the beginning of this despatch relates to a claim.

2823

*Edward Everett, United States Minister to Great Britain, to Abel P. Upshur,  
Secretary of State of the United States*<sup>1</sup>

No. 62

LONDON, November 3, 1843.

SIR: I have already acknowledged the receipt of your communications on the subject of the abolition of Slavery in Texas.<sup>2</sup> You suggest to me the expediency of communicating freely with the Texian Chargé d'Affaires, as one mode of gaining information, as to the measures which may be in progress toward the end alluded to. The relations of entire friendship which have ever subsisted between this gentleman and myself and which had their origin in the letters of introduction which he brought me from President Houston, fully warranted me in applying to him directly on the subject. He had just left London for Paris, where he is also accredited. I lost no time in addressing him a private letter, requesting information as to the state of the negotiations, to which I have as yet received no reply.— I shall not fail without delay, to transmit you whatever information he may communicate to me.

I had an interview with Lord Aberdeen the first day of his return to town, having requested it while he was yet in the Country. I had several matters to bring to his notice as you will have seen from the preceding despatches forwarded by this steamer. Having disposed of them I then in obedience to your instructions, alluded to the agency, which the British Government was supposed to be exercising, to procure the abolition of Slavery in Texas. Lord Aberdeen said he was glad I had mentioned this subject for it was one on which he intended himself to make some observations. His attention had been called to some suggestions in the American papers in favor of the annexation of Texas to the Union by way of counteracting the designs imputed to England; and he would say that if this measure were undertaken on any such grounds, it would be wholly without provocation. England had acknowledged the independence of Texas and had treated and would continue to treat her as an independent power. That England had long been pledged to encourage the abolition of the Slave Trade and of Slavery as far as her influence extended, and in every proper way; but had no wish to interfere in the internal concerns of foreign governments. She gave her advice where she thought it would be acceptable in favor of the abolition of Slavery, but nothing more. In reference to Texas, the suggestion, that England had made or intended to make the abolition of Slavery the condition of any treaty

<sup>1</sup> Despatches, Great Britain, vol. 43. The receipt date was not indicated.

<sup>2</sup> See above, this volume, pt. 1, for the two instructions on this subject, dated September 28, 1843, docs. 2676 and 2677. The receipt of No. 61 was acknowledged in Everett's despatch dated November 1, 1843, which is not included and not otherwise pertinent to this publication. He does not acknowledge, however, in that despatch, the receipt of the confidential communication.

arrangement with her, was wholly without foundation. It had never been alluded to in that connection. General Hamilton as Commissioner from Texas, had proposed that England should make or guaranty a loan to Texas to be used to aid her in obtaining from Mexico the recognition of her independence, and in other ways to promote the developement of her resources; and he himself (Lord Aberdeen) had at first thought somewhat favorably of the proposition, considering Texas as a fine promising Country, which it would be good policy to help through her temporary embarrassments. But on mentioning the project to his colleagues, they deemed it wholly inexpedient, nor did he himself continue to give it countenance:—nor was the loan as proposed by General Hamilton, and at first favorably viewed by himself, in the slightest degree connected with the abolition of Slavery as a condition or consequence. In the course of the last summer he had been waited upon, as he supposed I was aware at the time, by a deputation of American Abolitionists, who were desirous of engaging the British Government, in some such measure viz: of a loan, connected with the abolition of Slavery, but that he had given them no countenance whatever; he had informed them that by every proper means of influence he would encourage the abolition of Slavery and that he had recommended [to] the Mexican Government to interest itself in the matter; but he told them at the outset that he should consider himself bound in good faith to repeat every thing that might pass between them to the Texian *Chargé d’Affaires*.—

I told Lord Aberdeen that the conversation between himself and Lord Brougham in the House of Lords, on the 18th day of August, had been read with a great deal of sensibility in the United States, and recapitulating the substance of that conversation as quoted in your despatch, I observed that it was capable of being interpreted as a declaration on his part, that Her Majesty's Government were engaged in negotiations with Mexico for the abolition of Slavery in Texas, not so much for the sake of effecting that object in Texas, as in the United States. Lord Aberdeen said that Lord Brougham, in avowing his entire satisfaction with his (Lord Aberdeen's) explanation, could only have referred to the matter which was the direct object of enquiry viz<sup>t</sup> the negociations with Mexico for the recognition of the independence of Texas and the earnest hope that the abolition of Slavery might be effected by such an arrangement; that too much importance must not be attached to statements of this kind in debate, which are not always reported with entire accuracy;—that it was most true, that he was on that as on all other occasions desirous to be understood as wishing the abolition of Slavery wherever it exists; that this was a sentiment in reference to which England was of one mind; and whenever occasion called him to speak on the subject, he must express it; but that I might be perfectly satisfied, that England had nothing in view, in reference to Texas, which ought, in the slightest degree to cause uneasiness in the United States.—



Such is the substance of Lord Aberdeen's remarks on the subject. Aware of the great importance which would be attached to them, I took them down in writing, as soon as I returned home, and sent the memorandum to Lord Aberdeen requesting him, if it was inaccurate, to correct it. This he did in some not material points, and the foregoing report of the conversation may therefore be regarded as entirely authentic.—

In returning my memorandum of the conversation with his corrections, Lord Aberdeen recapitulated, in order to the perfect understanding of the case, that there had been no communication on the part of England with Texas in reference to the abolition of Slavery and that no proposition whatever had been made to her by England, on that subject; the loan proposed by General Hamilton on behalf of the Government of Texas had no connection with abolition:—the proposal of a loan to promote that object last summer, was the suggestion of a deputation of private individuals and was at once rejected by him.— Although England has made no proposition to Texas and has no intention of making abolition the subject of any treaty stipulation with her, they had certainly recommended to Mexico to promote the abolition of Slavery by the acknowledgment of the independence of Texas. But Lord Aberdeen added, that he could not say that this recommendation had been listened to with any degree of favor, and nothing further was said on the subject. In all this there was no reference whatever to the United States.—

The late hour, at which my memorandum above alluded to was returned to me, leaves me barely time to prepare this despatch before the closing of the mail. Should any thing further of interest reach me on this subject, I shall not neglect to communicate it without delay.

I am [etc.].

2824

*Edward Everett, United States Minister to Great Britain, to Abel P. Upshur, Secretary of State of the United States*<sup>1</sup>

No. 64

LONDON, November 16, 1843.

SIR: In my despatch N<sup>o</sup> 62,<sup>2</sup> I acquainted you, that I had addressed a private letter to Mr Ashbel Smith, the Texian Chargé d'Affaires, now at Paris, requesting of him such information as he might be able and willing to give me, as to the measures supposed to be in progress, on the part of this Government, to promote the abolition of Slavery in Texas. I received a private letter from Mr Smith in reply on the 6th instant. My letter to Mr Smith and his answer<sup>3</sup> were written under the impression, that overtures on this subject might possibly have been made directly to the Texian Govern-

<sup>1</sup> Despatches, Great Britain, vol. 51. Received December 10.

<sup>2</sup> See above, this part, November 3, 1843, doc. 2823.

<sup>3</sup> They were not found with Everett's despatches.

ment. Such however you will have learned by my despatch N<sup>o</sup> 62 is not the case; Lord Aberdeen having distinctly stated to me that he had not submitted and did not intend to submit any proposition to Texas on the subject.—

Mr Smith informs me, that he was present at the interview which took place last June between Lord Aberdeen and several persons, British subjects and others, a committee of the General-Anti-Slavery Convention, who waited upon him for the purpose of engaging the co-operation of the British Government to effect the abolition of Slavery in Texas. On this occasion Lord Aberdeen assured the Committee, that Her Majesty's Government would employ all legitimate means in their power to attain so great & desirable an object. One of the members of the Committee afterwards informed Mr Smith at his lodgings, that in their interview with Lord Aberdeen, his Lordship made observations which warranted them in saying, that the British Government would guaranty if necessary, the interest of a loan which should be raised and applied to the abolition of Slavery in Texas, but not of a Texian loan for any other purpose whatever.

It appears, however, from the statements contained in my despatch N<sup>o</sup> 62, that the member of the committee who gave this information to Mr Smith was in an error, Lord Aberdeen having assured me that the suggestion relative to a loan for this purpose had not received the slightest countenance from him. My written memorandum of the conversation in which this assurance was made having been submitted to Lord Aberdeen, there can be no room for misapprehension on my part. Lord Aberdeen has since repeated the same statement to me.—

Mr Smith, in consequence of the circumstances above stated, asked an interview with Lord Aberdeen, and subsequently addressed a written communication to him on the subject. Mr Smith very properly doubts whether he ought to furnish me a copy of this correspondence, before it has been made public by the Texian Government. Appreciating however the motives which prompted my enquiry, & considering the subject as one of interest to the United States as well as to Texas, though possibly in a less degree, Mr Smith informs me, that he shall transmit to the Texian Consul at London copies of his note to Lord Aberdeen on the abolition of Slavery in Texas and of Lord Aberdeen's reply with a request to that gentleman to submit the same,—if I desire it,—to my perusal. Mr Rate the Texian consul, accordingly called upon me for this purpose. The reply of Lord Aberdeen to Mr Smith states, that Mr Smith does the British Government no more than justice, in forbearing to impute to them any design to interfere with the internal concerns of Texas in reference to Slavery; but adds that it is not a matter of surprise to Lord Aberdeen, that individuals having that object in view should have recourse to every measure which they deem calculated to promote it.

Mr Smith acquaints me farther, that he has written full accounts to his

government of the interview above alluded to with Lord Aberdeen, and of such other facts relating to the efforts making in England for the abolition of Slavery in Texas, as, on diligent and scrupulous enquiry, he could ascertain. He adds that he shall transmit by the next steamer, copies of these accounts to Mr Van Zandt, the Texian Chargé d'Affaires at Washington, who will make such use of them as, in his discretion he shall judge best. I have no doubt that Mr Van Zandt will feel himself authorized to make you fully acquainted for the President's information with the purport of these communications.—

I had a long interview with Lord Aberdeen at his request on the 6th instant principally in reference to the Oregon question, as you will have seen from another communication by this Steamer. Before I left him however the conversation turned upon the subject of the abolition of Slavery in Texas. I told him he must not be surprized at the interest taken in the subject in the United States, when he remembered that Texas and the United States were border countries and the necessary effect of the abolition in Texas on slavery as existing in the Union. He replied that he felt the delicacy & importance of the subject;—repeated the allusion made in the former interview to the state of Public Sentiment in England; and said that while it could not be expected of Her Majesty's Government to hold a language or pursue a policy at variance with opinions which they shared with the whole country, yet he should certainly think it right, not to give any just cause of complaint to the United States. As far as Texas was directly concerned they had, as he had already informed me, made no proposition to her whatever. They had connected the subject of the abolition of Slavery in Texas with a recommendation to Mexico to acknowledge her independence; but as he told me before, Mexico had given the suggestion no encouragement, and it rested there.—

I ought perhaps to have added that in his note to Lord Aberdeen, Mr Smith spoke of the committee which waited upon him in June, as persons acting without the authority, sanction, or approbation of the Texian Government.—

I transmit with this despatch a report of the recent trial of Mr Zulueta, a merchant of great respectability in this city, proceeded against & acquitted on the charge of fitting out a vessel from this country, for the Gallinas, in connection with the slave trade.<sup>1</sup> I propose also, by the first sailing packet, to send to the Department the Report of the Select Committee of the House of Commons last year, on the West Coast of Africa, and, if I can procure it, a similar report on the British West Indies. These reports are too voluminous to accompany the despatches. They will be found to contain a great deal of information on all the subjects, directly or collaterally comprehended in the range of enquiry, indicated by their titles.

I am [etc.].

<sup>1</sup> Not included in this publication.

## 2825

*Edward Everett, United States Minister to Great Britain, to Abel P. Upshur,  
Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

Private & Confidential.

LONDON, November 16, 1843.

MY DEAR SIR: I am ashamed to trouble you with another letter by this Steamer;<sup>2</sup> but there are still some matters on which it is necessary that I should make a few remarks.— In speaking in my interview with Lord Aberdeen of the 6th instant of the uneasiness, which had been excited in the United States, in reference to the measures supposed to be pursued by Great Britain to effect the abolition of Slavery in Texas, I told him that there were persons in the United States who firmly believed, that Great Britain was pursuing this object and resolved if possible to accomplish it, with a view to aggrandize herself and Colonies, at the expense of the United States in general and the Slave-holding States in particular; and I sketched to him briefly the plan of policy in this respect, which is ascribed to Great Britain in a letter recently addressed by General Duff Green to the Editor of the Boston Post.— Lord Aberdeen treated it as a notion too absurd and unfounded to need serious contradiction. He said, however, that bearing in mind the sensibilities that existed on this subject, he would endeavor hereafter to express himself with great caution, when it became necessary to speak of Slavery.<sup>3</sup> . . .

I send you the two numbers of the Anti-Slavery Reporter, in consequence of the wish expressed by you to be kept advised of what is doing in reference to abolition. The numbers of this Journal are regularly sent me; but I know not by whose order. If you desire it, I will regularly forward them to you:—if not, I shall do so, only when they contain something which I think particularly calculated to interest you, as matter of information.—

In marking these letters "Private and Confidential", it is of course not my wish, that they should not be communicated to the President.—

I am [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 51. Received December 9.

<sup>2</sup> Apparently he refers to his despatch No. 64, which was also dated November 16, 1843, above, this part, doc. 2824.

<sup>3</sup> The omitted portion relates to Everett's replies to the editors of the London *Times* and *Morning Post*, denying their allusions to General Green as a "Diplomatic Agent of the United States" and as "a gentleman connected with the American Embassy." General Green had written for publication three letters to the *Times*, one of which was rejected, and believed by Everett to pursue the same line of observation as that sent by General Green to the editor of the Boston *Post*. The omitted portion also relates to commercial affairs and other matters not pertinent to this publication.

2826

*Richard Pakenham, British Minister to the United States, to Abel P. Upshur, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, February 26, 1844.

SIR: In compliance with your request<sup>2</sup> to that effect I have the honor herewith to transmit to you a copy of the Despatch from Her Majesty's Principal Secretary of State for Foreign Affairs,<sup>3</sup> which I had the honor to read to you on Saturday last.

I have the honor [etc.].

<sup>1</sup> Notes from Great Britain, vol. 22. Received February 27.

<sup>2</sup> Apparently an oral request.

<sup>3</sup> It follows:

*Lord Aberdeen, British Secretary of State for Foreign Affairs, to Richard Pakenham, British Minister to the United States*

No. 9

FOREIGN OFFICE, December 26, 1843.

SIR: As much agitation appears to have prevailed of late in the United States relative to the designs which Great Britain is supposed to entertain with regard to the Republic of Texas, Her Majesty's Government deem it expedient to take measures for stopping at once the misrepresentations which have been circulated, and the errors into which the Government of the United States seems to have fallen, on the subject of the policy of Great Britain with respect to Texas. That Policy is clear and simple, and may be stated in a few words.

Great Britain has recognised the independence of Texas, and, having done so, she is desirous of seeing that Independence finally and formally established, and generally recognised, especially by Mexico. But this desire does not arise from any motive of ambition or of self-interest, beyond that interest, at least, which attaches to the general extension of our commercial dealings with other countries.

We are convinced that the recognition of Texas by Mexico must conduce to the benefit of both these countries, and, as we take an interest in the well-being of both, and in their steady advance in power and wealth, we have put ourselves forward in pressing the Government of Mexico to acknowledge Texas as independent. But in thus acting we have no occult design, either with reference to any peculiar influence which we might seek to establish in Mexico, or in Texas, or even with reference to the Slavery which now exists, and which we desire to see abolished, in Texas.

With regard to the latter point, it must be, and is well known both to the United States and to the whole world, that Great Britain desires, and is constantly exerting herself to procure the general abolition of Slavery throughout the World. But the means which she has adopted, and will continue to adopt, for this humane and virtuous purpose, are open and undisguised. She will do nothing secretly, or underhand. She desires that Her motives may be generally understood, and Her acts seen, by all.

With regard to Texas, we avow that we wish to see slavery abolished there, as elsewhere, and we should rejoice if the recognition of that Country by the Mexican Government should be accompanied by an engagement on the part of Texas to abolish Slavery eventually, and under proper conditions throughout the Republic. But although we earnestly desire, and feel it to be our duty to promote such a consummation, we shall not interfere unduly, or with an improper assumption of authority, with either Party in order to ensure the adoption of such a course. We shall counsel but we shall not seek to compel, or unduly controul, either Party. So far as Great Britain is concerned, provided other States act with equal forbearance, those Governments will be fully at liberty to make their own unfettered arrangements with each other, both in regard to the abolition of Slavery, and to all other Points.

Great Britain, moreover, does not desire to establish in Texas, whether partially dependent on Mexico, or entirely independent, which latter alternative we consider, in every respect, preferable, any dominant influence. She only desires to share Her influ-

2827

*Edward Everett, United States Minister to Great Britain, to Abel P. Upshur, Secretary of State of the United States*<sup>1</sup>

No. 91

LONDON, February 28, 1844.

SIR: A few days since Mr M. Mosquera, Minister of New Grenada [Granada] at this court, requested of me an interview, in order to confer with me on subjects of importance to the two countries, under the instructions of his government.<sup>2</sup>

The first subject to which he called my attention was the purpose entertained by his government of endeavoring to effect the construction of a ship canal across the Isthmus of Panama, by the joint action of the United States, Great Britain, and France, in conformity with the provisions of a treaty or treaties to be negotiated for that purpose. I understood Mr Mosquera to say, that a proposal had already been made at Washington on behalf of New Grenada, that the United States should unite in this enterprise, and that their minister at this court should be instructed to treat with him on the subject. On my informing him that I had received no instructions to this effect, he said he would address me an official note, enclosing a *projet* of the convention which New Grenada was desirous of concluding with the three powers, and desiring me to transmit it to Washington.

I have accordingly received from him such a note with the document alluded to, setting forth the leading principles on which the Government of New Grenada wishes to conclude treaties with the powers above named for

ence equally with all other nations Her objects are purely commercial, and she has no thought or intention of seeking to act, directly or indirectly, in a political sense, on the United States through Texas

The British Government, as the United States well know, have never sought in any way to stir up disaffection or excitement of any kind in the slave holding States of the American Union Much as we should wish to see those States placed on the firm and solid footing which we conscientiously believe is to be attained by general freedom alone, we have never in our treatment of them made any difference between the Slave-holding and the Free States of the Union All are, in our eyes, entitled, as component members of the Union to equal political respect, favour, and forbearance, on our part To that wise and just Policy, we shall continue to adhere, and the Governments of the Slave-holding States may be assured that, although we shall not desist from those open and honest efforts which we have constantly made for procuring the abolition of Slavery throughout the World, we shall neither openly nor secretly resort to any measures which can tend to disturb their internal tranquility, or thereby to affect the prosperity of the American Union

You will communicate this Dispatch to the United States Secretary of State, and, if he should desire it, you will leave a copy of it with him —

I am [etc].

<sup>1</sup> Despatches, Great Britain, vol. 52 Received March 25.

Evidently a change was made in the date of this document, since the figure eight was written in after an erasure Accompanying this despatch is an enclosure dated February 29 See below, this part, p 255, note 1

<sup>2</sup> An abstract of the instructions to Mosquera is above, vol v, p 601, note 1.

the construction of the canal. This note and the projet in question accompany the present despatch.<sup>1</sup>—

It is not necessary that I should enter into the consideration of the importance of the contemplated enterprize, or of the preliminary questions

<sup>1</sup> These two documents, dated February 26, 1844, follow:

*M. M. Mosquera, Colombian Chargé d'Affaires at London, to Edward Everett, United States Minister to Great Britain*

[TRANSLATION]

LONDON, February 26, 1844.

The Undersigned, Chargé d'Affaires of New Grenada, in compliance with the orders of his Government has the honor to address the Hon Mr. Everett, Envoy Extraordinary and Minister Plenipotentiary of the United States of North America, at this Court with the object which he proceeds to unfold.

The Executive of New Grenada, issued on the 15<sup>th</sup> July 1843, a Decree, whereby it declared, that the privilege granted to a company of undertakers, to open a communication between the two Oceans, through the Isthmus of Panama, by the Legislative Decrees of June 6, 1836, and May 30, 1838, had become void. The Granadine Undertakers, possessing the privilege have agreed to this declaration, admitting that they had not fulfilled the conditions to which they had bound themselves.

Agreeably to this and to the Legislative Decree of the 1<sup>st</sup> of June 1842, the Executive is to make a new call on the capitalists who may wish to undertake this important enterprise, at the present time, under a new charter. But the experience acquired in this business has convinced the Executive, that a new contract with private undertakers, would have the same results, as those already concluded, and being desirous, to carry into execution a work of such interest to the commerce of all nations, it has determined to adopt a more efficacious and secure method. This is to unite the Governments of the United States, France, and Great Britain, to the conclusion of a treaty with the Government of New Grenada, whereby the contracting Governments should pledge themselves, to undertake and to carry through this important enterprise, and to assure to the commerce of the whole world, under liberal conditions, the new route opened through the Isthmus of Panama.

The Granadine Government has extended its invitations directly to the Government of the United States; and conceiving that they will be met in a manner proportional to the high interest, which the commerce and navigation of the United States must have in the enterprise, it has urged that Government at the same time to appoint a Plenipotentiary on its part, to treat with those of France and Great Britain at this court, and with the Undersigned, for the conclusion of such a treaty. The Undersigned is furnished with full powers and instructions, which his Government has been pleased to issue to that effect; and has entered into communication with Her Britannic Majesty's Secretary for Foreign Affairs, and with the Ambassador of His Majesty, the King of the French.

The Undersigned hopes that the Hon Mr. Everett will please to inform him whether he has received instructions from his Government on this matter; and in case he should not have received them to ask for them as soon as possible.

The Undersigned avails himself [etc.].

*Project of a treaty submitted by M. M. Mosquera, Colombian Chargé d'Affaires at London, to Edward Everett, United States Minister to Great Britain*

[TRANSLATION]

*Cutting a Canal across the Isthmus of Panama*

LONDON, February 26, 1844.

The Government of New Grenada proposes to the Governments of the United States, of France, and of Great Britain, to undertake to open a ship canal, between the two oceans, taking upon themselves the whole expense, for which they are to be indemnified by receiving during a period to be stipulated, the whole of the duties of transit [tolls] collected on the canal.—the right of dominion over the Canal to be reserved to New Grenada; to which is also to be reserved, a portion of the said duties whilst the Governments undertaking the work are in the enjoyment of them; and the whole of the duties, on the expiration of the prescribed period, when the Canal returns to the Republic.

which would present themselves, in reference to the competency of the United States to participate in it.— I have thought it my duty to a most respected colleague, the representative of a sister American Republic, to lose no time in complying with his request.<sup>1</sup>

The other subject of conversation between M. Mosquera & myself, on the occasion alluded to, was the alleged encroachments of the Government of Great Britain, on the territorial rights of New-Grenada in the Isthmus of

The contracting Governments are to bind themselves, to maintain the neutrality of the canal and its ports, and to promote the conclusion of treaties with the other Governments, to the same effect.

The Governments of the United States France and Great Britain, to guaranty the dominion of New Grenada in the territory of the Isthmus which belongs to it.

The use of the Canal to be free to all the nations of the earth, not at war with New Grenada.

The passage of letters through the canal to be entirely free, and not subject to the Post Office Regulations of the Republic.

During the time in which the three contracting Governments are in possession of the right to receive the products of the canal, the Government of New Grenada is not to lay any duties on any foreign goods or merchandize passing through the Canal; nor to exact any right of passage or passport from passengers.

The Government of New Grenada is to give up as much as a hundred thousand *fanegadas* of vacant lands, for the execution of the canal, and for all the works connected with the use and service thereof; and as much as two hundred thousand *fanegadas* of the same vacant lands, which shall be distributed amongst the strangers, who may desire to fix themselves in the Republic.

The Government of New Grenada will place at the disposal of the contracting Governments, the forests, quarries, and coal mines belonging to the nation which may lie within fifteen leagues on either side of the line of the canal, in order that the materials required may be taken from them.

In case the said treaty should not be concluded, and the enterprise should be entrusted to private undertakers, with whom the Government of New Grenada should contract, it is proposed that the Governments of the United States France and Great Britain should conclude another treaty in order to guaranty the neutrality of the canal the dominion of the Republic over the Territory of the Isthmus which belongs to it, the maintenance of peace in the said territory, the fulfilment of the concessions and agreements made by the Government to the undertakers and the restitution and delivery to the Republic of the canal and the other works connected with it to be made by the undertakers at the proper time according to the contract.

<sup>1</sup> Everett's note to Mosquera, dated February 29, 1844, follows:

*Edward Everett, United States Minister to Great Britain, to M. M. Mosquera, Colombian Chargé d'Affaires at London*

LONDON, February 29, 1844.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honor to acknowledge the receipt of a note of the 26th instant from M<sup>r</sup> M. Mosquera, Chargé d'Affaires of New Granada, transmitting the *projet* of a treaty [For these two documents, see above, this part, p. 254, note.—Ed.] to be concluded between the Government of New Granada and those of the United States of America, Great Britain, and France, on the subject of constructing a ship canal across the Isthmus of Panama.

The Undersigned has already had occasion in a personal conference to inform M. Mosquera, that he has not as yet received any instructions from his Government on this interesting subject. But the Undersigned will lose no time in transmitting to Washington, for the information of the President of the United States, the *projet* of the Convention received from M. Mosquera, which will not fail to be considered by the Government of the United States, with all that attention which is due to the importance of the proposed enterprise and to the Government of New Granada.—

The Undersigned [etc.].



Panama.—Mr Mosquera thought that the principles involved in the course which the British colonial authorities were pursuing in that quarter, under the sanction of the home government, were of common interest to all the States of the American continent. On this subject, Mr Mosquera said he would address me a confidential note; and as the subject is one of some delicacy, I reserve the farther consideration of it, till the receipt of the proposed communication.

I am [etc.].

2828

*Richard Pakenham, British Minister to the United States, to John C. Calhoun, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, April 19, 1844.

The Undersigned, Her Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, has had the honor to receive the Note which The Hon<sup>ble</sup> M<sup>r</sup> Calhoun, Secretary of State of the United States, was pleased, yesterday, to address to Him,<sup>2</sup> containing observations on a Dispatch from Her Majesty's Principal Secretary of State for Foreign Affairs to the Undersigned; of which the Undersigned had the honor at the request of the late Secretary of State, M<sup>r</sup> Upshur, to furnish a copy,<sup>3</sup> for the more complete information of the Government of the United States.

M<sup>r</sup> Calhoun at the same time announces to the Undersigned, by direction of the President, that a Treaty has been concluded between the United States and Texas, for the Annexation of Texas to this Country as a Part of its Territory, which Treaty will be submitted without delay to the Senate for its approval.

M<sup>r</sup> Calhoun further takes occasion to enter into explanations as to the motives which have induced the Government of the United States to adopt their present policy with regard to Texas, and He concludes by presenting certain remarks, founded on statistical Information, in defence of the Institution of Slavery as now established in a portion of this Republic, and in proof of the necessity of taking measures for its preservation.

It is not the purpose of the Undersigned in the present communication to enter into discussion with M<sup>r</sup> Calhoun respecting the project thus formally announced on the part of the Government of The United States to annex Texas to the American Union— That duty will, if thought necessary, be fulfilled by higher Authority— Still less is the Undersigned disposed to trespass on M<sup>r</sup> Calhoun's attention by offering any remarks upon the subject of Slavery as expounded in M<sup>r</sup> Calhoun's Note— That Note will be

<sup>1</sup> Notes from Great Britain, vol. 22. Received April 27.

<sup>2</sup> See above, this volume, pt. 1, doc. 2678.

<sup>3</sup> See the British Minister's note to the Secretary of State, dated February 26, 1844, above, this part, doc. 2826 and note 3 thereto. Apparently Secretary Upshur's request was made orally, since no note from him to the British Minister was found.

transmitted to Her Majesty's Government by the earliest opportunity, and with this intimation the Undersigned would for the present content Himself, were it not for the painful impression created on his mind by observing that the Government of the United States—so far from appreciating at their just value the explanations furnished by Her Majesty's Government in a spirit of frankness and good faith well-calculated to allay whatever anxiety this Government might have previously felt on the particular points to which those explanations have reference, appear to have found arguments in that communication in favor of the contemplated Annexation of Texas, thus, as it were assigning to the British Government some share in the responsibility of a transaction which can hardly fail to be viewed in many quarters with the most serious objection.

All such Responsibility the Undersigned begs leave in the name of Her Majesty's Government at once and most positively to disclaim,—whatever may be the consequences of that transaction, the British Government will look forward without anxiety to the judgement which will thereon be passed by the civilized World in as far as shall apply to any provocation furnished by England for the adoption of such a measure.

With the political Independence of Texas not only has Great Britain disavowed all intention to interfere, but it is a well known fact that Her most zealous exertions have been directed towards the completion of that Independence by obtaining its acknowledgment at the hands of the only Power by which it was seriously disputed.

Great Britain has also formally disclaimed the desire to establish in Texas any dominant influence, and with respect to Slavery, She is not conscious of having acted in a sense to cause just alarm to the United States.

From the avowed desire of Great Britain to see slavery abolished in Texas it is inferred by The Government of the United States that England is endeavouring through Her Diplomacy to make the abolition of Slavery a condition to the acknowledgment of the Independence of Texas by Mexico.

If Mr Calhoun will have the goodness to refer once more to the copy of Lord Aberdeen's Dispatch which lies before Him, He will find the following exposition of the intentions of Great Britain on this point which the Undersigned flattered Himself would have been sufficient to forbid any such inference—

With regard to Texas we avow that we wish to see slavery abolished there, as elsewhere, and we should rejoice if the recognition of that Country by the Mexican Government should be accompanied by an engagement on the part of Texas to abolish slavery eventually, and under proper conditions throughout the Republic. But although we earnestly desire, and feel it to be our duty, to promote such a consummation, we shall not interfere unduly, or with an improper assumption of Authority, with either Party, (either Mexico or Texas) in order to ensure the adoption of such a course. We shall counsel, but we shall

not seek to compel, or unduly controul, either Party, so far as Great Britain is concerned, provided other States act with equal forbearance, those Governments will be fully at liberty to make their own unfettered arrangements with each other, both in regard to the abolition of Slavery, and to all other Points.

The Undersigned [etc.].

2829

*Richard Pakenham, British Minister to the United States, to John C. Calhoun, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, April 30, 1844.

The Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has had the honor to receive the Note which The Hon<sup>ble</sup> John Calhoun Secretary of State of the United States, was pleased to address to the Undersigned on the 27<sup>th</sup> of this month<sup>2</sup> in reply to the Note of the Undersigned of 18 Instant,<sup>3</sup> in answer to M<sup>r</sup> Calhoun's Note of the day preceeding<sup>4</sup> relating to the Despatch of the Earl of Aberdeen, of which a Copy was delivered to the late Secretary of State M<sup>r</sup> Upshur at His request.<sup>5</sup>

M<sup>r</sup> Calhoun's Notes of the above mentioned dates have been transmitted by the Undersigned for the information of Her Majesty's Government.

The Undersigned [etc.].

2830

*Edward Everett, United States Minister to Great Britain, to John C. Calhoun, Secretary of State of the United States*<sup>6</sup>

No. 129

LONDON, May 18, 1844.

SIR: I duly received by the Steamer of the 1st your despatch N<sup>o</sup> 85,<sup>7</sup> transmitting the printed document containing the treaty relative to the annexation of Texas with the accompanying papers submitted to the Senate, together with your subsequent correspondence with M<sup>r</sup> Pakenham.<sup>8</sup>

<sup>1</sup> Notes from Great Britain, vol. 22. Received May 1.

<sup>2</sup> See above, this volume, pt. 1, doc. 2679.

<sup>3</sup> He erroneously refers to his note of the 19th instant, above, this part, doc. 2828.

<sup>4</sup> The Secretary of State's note was dated April 18, 1844, for which see above, this volume, pt. 1, doc. 2678.

<sup>5</sup> Apparently the request for it was made orally. It was transmitted to the Secretary of State in the British Minister's note dated February 26, 1844, above, this part, doc. 2826, and will be found in note 3 thereto.

<sup>6</sup> Despatches, Great Britain, vol. 52. Received June 3.

<sup>7</sup> Above, this volume, pt. 1, April 27, 1844, doc. 2680.

<sup>8</sup> This treaty, which never became effective, signed at Washington on April 12, 1844, by J. C. Calhoun and Isaac Van Zandt, and the accompanying explanatory documents, are not included in this publication. The treaty is filed in the Unperfected-treaties file, R-3. Presumably the correspondence with the British minister, Mr. Pakenham, which was enclosed with the instruction, was that found above, this volume, pt. 1, April 18 and 27, 1844, docs. 2678 and 2679, and above, this part, February 26 and April 19, 1844, docs. 2826 and 2828.

I have delayed acknowledging the receipt of these most important papers to this the last day of writing by the Steamer, in the expectation that some communication might be made to me on the subject by Lord Aberdeen to be transmitted to you. This, however, is not the case.

You will perceive by the papers of this morning, that some conversation arose in the House of Lords last evening, in reference to the Treaty, on occasion of a question put by Lord Brougham to Lord Aberdeen. Lord Brougham assigned as a reason for his enquiry, that the conversation between Lord Aberdeen and himself on the 18th of August last<sup>1</sup> had been (as he gathered from the documents which had appeared in the papers) deemed highly significant by the Government of the United States, and stated that it was far from his intention in what he then said to Counsel any interference with Slavery as existing in the United States.—

Lord Aberdeen was very reserved in his reply. He stated that the annexation of Texas raised a question as he believed new and unexampled in the history of public law, which demanded and would receive the earliest and most serious attention of Her Majesty's Government. There was no doubt that the Treaty was signed, but he shared with Lord Brougham the hope and belief that it would not be ratified;—but it was impossible to speak with confidence on such a point.—

The question to which Lord Aberdeen referred as “new and unexampled in the history of public law,” was not stated by him, but from the remarks with which Lord Brougham commenced, as reported in this morning's papers, may be inferred to be, the effect of a union between two separate independent States on their previously existing relations with other powers.

In reply to a farther question from Lord Brougham, Lord Aberdeen said that the explanation which he had made of their conversation of the 18th August had been correctly reported by me, (a matter of necessity, I may observe, with the precaution which I took of submitting the Memorandum to his inspection), and that he had confirmed it in a despatch to M<sup>r</sup> Pakenham, alluding apparently to that of 26th December 1843, of which a copy was furnished to M<sup>r</sup> Upshur.<sup>2</sup>—

The intelligence of the Treaty has been less a subject of comment on the part of the press than might perhaps have been expected, at least, in the papers which I see.— It seems to have taken the public generally by surprise; and the conductors of the press are probably waiting for further information, and for suggestions in parliament as to the ground to be taken by the Government and the leaders of the Opposition. There is an article on the subject in the “Times” this morning, which like most of the Comments of that Journal on American affairs is of a hostile and acrimonious char-

<sup>1</sup> This conversation is quoted in Secretary Upshur's instruction No. 61, above, this volume, pt. 1, September 28, 1843, doc. 2676.

<sup>2</sup> See the British Minister's note to Secretary Upshur, above, this part, February 26, 1844, doc. 2826, and in note 3 thereto, the enclosure with it, dated December 26, 1843.

acter.— It is probable that the steamer which sails tomorrow will take out some instructions from this Government to M<sup>r</sup> Pakenham, under which he will communicate to you the views they are disposed to take of the Treaty. I infer this from not having received any such communication myself.

I am [etc.].

2831

*Edward Everett, United States Minister to Great Britain, to John C. Calhoun, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 140

LONDON, June 3, 1844.

SIR: The current business of the Legation being duly reported in my other despatches by this Steamer, I beg leave to invite your attention, in this despatch, to one or two miscellaneous topics.

No communication has been made to me by Lord Aberdeen on the Subject of the treaty for the annexation of Texas, nor has the Subject, I believe, been alluded to in either house of Parliament, since my despatch, N<sup>o</sup> 129,<sup>2</sup> by the Steamer of the 19<sup>th</sup> of May.

M<sup>r</sup> Smith, the Texian Chargé d'Affaires has lately arrived in town from Paris, and has pointed out to me a slight inaccuracy in the statement of the purport of a private letter addressed by him to me, as related in my despatch N<sup>o</sup> 64.<sup>3</sup> M<sup>r</sup> Smith was not present at the interview which took place between Lord Aberdeen and a deputation of the Anti-Slavery Convention, as I understood him to State, but he was present at the public meeting of the Convention at which the Committee made report of what passed at the interview. The error is of no great importance, but it is proper that it should be corrected.<sup>4</sup>

2832

*Edward Everett, United States Minister to Great Britain, to John C. Calhoun, Secretary of State of the United States*<sup>5</sup>

[EXTRACT]

No. 171

LONDON, August 2, 1844.

Lord Aberdeen observed, in the course of our interview, that he thought the situation of Cuba very critical. The Governor General seems determined to give full scope to the Slave trade, and by that and other ways the

<sup>1</sup> Despatches, Great Britain, vol. 52. Received June 21.

<sup>2</sup> Above, this part, May 18, 1844, doc. 2830. <sup>3</sup> *Ibid.*, November 16, 1843, doc. 2824.

<sup>4</sup> The remaining part of the document relates chiefly to European political events.

<sup>5</sup> Despatches, Great Britain, vol. 53. Received August 22.

The omitted portions at the beginning and end of this despatch comment upon matters which do not pertain to inter-American affairs.

population has been thrown into a state of general alarm and partial insurrection. I alluded to the apprehensions which existed in the minds of some persons, that the disorders in Cuba were stimulated by England, with an eye eventually to the possession of the island. Lord Aberdeen did not consider this imputation as needing a serious denial;—and added that fortunately they had had it in their power to give to the Spanish Government very satisfactory proofs that they harbored no such designs.

## 2833

*Edward Everett, United States Minister to Great Britain, to John C. Calhoun, Secretary of State of the United States*<sup>1</sup>

Private.

LONDON, October 3, 1844.

DEAR SIR: I returned to town on the morning of the 1<sup>st</sup> from my little excursion to the North. My despatches by this steamer will acquaint you with those matters of public business to which I have already been able to give my attention. I hope to have it in my power before long, to address you officially on various questions of public moment, which have formed the subject of some of your recent communications.<sup>2</sup>—

I notice in the late papers that formal possession has been taken by this Government, of the very extensive territory usually known as the "Mosquito shore", between Central America and New Granada. This appears to have been done in virtue of a nominal act of cession on the part of the native King.— This personage, as I have understood from the New Granada Chargé d'Affaires, has for some time been employed by the Agents of the British Government as an instrument for extending its influence in that region.

You will find some allusion to this subject in my despatch N<sup>o</sup> 90 of the 27th of February.<sup>3</sup> I have never received the communication from Mr Mosquera, to which reference is there made; but I dare say the representative of New Granada at Washington would be able to give you,—if indeed he has not already done so,—full information on the subject, which I am inclined to think is one of equal delicacy and importance.—

I forward by this steamer for the department a Copy of a work just published by M<sup>r</sup> Moro on the long agitated subject of a Canal to connect the isthmus between the two Oceans;—in reference to which,—as you perceive

<sup>1</sup> Despatches, Great Britain, vol. 53. The receipt date was not indicated, but his despatches Nos. 184 and 185, of the same date as this private despatch, were received on October 22. They are not, however, pertinent to this publication.

<sup>2</sup> The only "recent" instruction to him, subsequent to that dated August 27, 1844, above, this volume, pt. 1, doc. 2681, which is pertinent to this publication, is No. 107, dated September 12, 1844, which is also in the same part, doc. 2682.

<sup>3</sup> His despatch No. 90 does not refer to this subject, but he evidently refers to his No. 91, February 28, 1844, above, this part, doc. 2827.

from my despatch just referred to,—the Government of New Granada is very anxious to engage the co-operation of the United States. I am inclined to think that this anxiety springs not more from a view to the Commercial importance of the object itself, than from a desire to create barriers to what it regards as the encroachments of Great Britain, in that direction.—

I am [etc.].

2834

*Edward Everett, United States Minister to Great Britain, to John C. Calhoun, Secretary of State of the United States*<sup>1</sup>

Private and Confidential.

LONDON, February 26, 1845.

DEAR SIR: I have translated a couple of Editorial Articles on the subject of Texas, from the "*Journal des débats*" of the 4<sup>th</sup> and 17<sup>th</sup> instant respectively, and forward them with this letter. This Journal is, as you are aware, the well-known organ of the French Government, conducted by persons entirely in its confidence, deriving from it pecuniary support, and occasionally it is supposed even receiving the assistance of M. Guizot's pen.

It is these circumstances which give significance to the articles in question, which are not characterized by any remarkable ability or intimate acquaintance with facts. I have thought it best to translate them just as they stand in the original, notwithstanding some objectionable expressions and statements, in order to convey accurately the spirit and substance of the articles, which will I think on careful examination be found to have a deeper meaning than might be supposed on a cursory perusal.—

It is difficult to say whether they throw light on the views taken by the French Government on the question of Texas, or are intended to wrap them in additional mystery.— While the negotiation of the Treaty was in progress last year M. Pageot, it is understood, was furnished with a protest against it, which he was dissuaded by M<sup>r</sup> Pakenham from presenting, on the ground, it is said, that foreign interference of that kind would tend rather to promote than obstruct the ratification of the Treaty.— The manner in which both the King and M. Guizot expressed themselves to our Minister, was certainly different from what might have been anticipated from such a demonstration. When the documents accompanying the President's Message at the opening of the Session were published in Europe, your allusions to the purport of those communications were commented upon in the London press and especially the "*Times*" in the most pointed manner. The Government of France was openly accused of double dealing; the plainest intimations were thrown out that a different language had been held to Great Britain and to us; and a peremptory demand was made for an explanation.— Of these loud calls of the English Journals no notice at all has ever been

<sup>1</sup> Despatches, Great Britain, vol. 54. Received March 21.

taken, as far as I am aware, by the Government press in France, although the Editorial articles in the "Times" on French topics rarely fail to command its attention. Instead of defending the French Government against the charge of double dealing, the "*Journal des débats*" has twice expressed itself in the remarkable manner, which you see in the accompanying articles, which certainly authorise the inference that the French Government will offer no violent opposition to the annexation of Texas and that no such opposition is anticipated by France on the part of England.—

But notwithstanding the appearance of these articles and the inferences which they warrant, it has been plainly intimated in more than one article in the "Times" evidently of a semi-official character, that explanations of a satisfactory nature on this point have passed between the two Governments and that they will act if not technically in conjunction, at least with the same spirit and policy, in opposition to annexation;—and a correspondence to this effect is understood to have taken place. Of this there has appeared however no trace in the "*Journal des débats*," and its article of the 18<sup>th</sup> of February must be considered as a strange commentary on such an understanding.—

I am unwilling to accuse or to suspect the French Government of want of good faith in either direction.— The King, I am sure, has given the strongest proofs of a kind feeling toward us which could possibly be afforded. He took personally upon himself the responsibility of carrying through the Chambers the appropriations for the payment of the indemnity stipulated by M<sup>r</sup> Rives' Treaty, a measure of which the odium is still fresh in France, not much to the credit of public sentiment in that Country. Nor do I know that we have any grounds for distrusting the favorable disposition of M. Guizot.

I am inclined in some measure to reconcile the apparent inconsistencies which have disclosed themselves on this subject in the following way:—

It is possible that M. Guizot entertains something of the jealousy which to a far greater extent is felt in England of the territorial extension and growth of the United States. The grounds of such a jealousy on the part of France are certainly not obvious as they are in the case of England, and it is not felt by the body of the people; on the contrary they regard us not only as good Commercial Customers but as natural political allies.— There is however perhaps on the part of all the old Governments of Europe some jealousy of American progress.

It is possible that M. Guizot in the co-operation which he has yielded or promised to England in reference to Texas has been actuated only by a desire on a subordinate point to gratify her, in order to strengthen the very difficult position toward England, which he occupies in reference to the Right of Search, the occupation of Tahiti, and other great questions. He feels that without the good will of the present British Government his own



would sink; as the Ministry here, on the other hand, believing that the peace of Europe is safer in his hands than of those of any Minister in France who should supersede him, submits to a course of policy from him with which they would have quarrelled on the part of M<sup>r</sup> Thiers.—

On one or the other of these grounds, or partly on both, M. Guizot has no doubt promised England to co-operate with her in opposing the annexation of Texas.—

But then neither England nor France intends to push this opposition to the point of War.— In reference to France this was no more than might have been expected. As far as England is concerned I am not sure there are not many persons, who would have been willing that the Government should have made the annexation of Texas a *casus belli*, on the ground that it involved the rupture of Treaty engagements with this Government. I have, however, no reason to think that the Government has ever come to this conclusion; and though the point is not one on which it could be expected that I should receive any official information, I have good grounds for saying, that the annexation of Texas would not cause a breach of the existing relations between the United States and Great Britain.—

This being the case the friendly assurances of the King and M. Guizot to our Minister receive a natural explanation.

No hostile measures are intended by either country. As to the remark made by M. Guizot to M<sup>r</sup> King referred to in your letter to M<sup>r</sup> Howard of the 10<sup>th</sup> September last,<sup>1</sup> that "France had not agreed to unite with England in a protest against annexation," this must of course be true, for M. Guizot is incapable of a mis-statement. It is however not less certainly true that he had even at that time himself authorised M. Pageot to protest against the measure, and that since the publication of the President's Message, there has been a correspondence and an understanding between the two Governments.— That they have agreed on a joint protest, I will not believe in opposition to M. Guizot's assurance; but that they have agreed upon some plan of opposition cannot well be doubted. As it is certain that violent interference is not contemplated, the precise nature of the opposition is of no great moment. It will no doubt be addressed to the Government of Texas, and may be expected to be soon disclosed in that quarter.—

How far a participation even in such a policy is to be reconciled with the language of the Government press in Paris I will not undertake to say. It has been intimated that, though the most confidential relations exist between M. Guizot and the "*Journal des débats*," that paper nevertheless sometimes assumes an independent position and holds a language not sanctioned by the Ministry.— The preference manifested by the *Débats* for M. Dupin for the Presidency of the Chamber of Deputies at the opening of the present Session over M. Sauzet the Candidate of the Minister is

<sup>1</sup> See below, in the volume and part containing Communications to Texas, under this date.

quoted as a case in point.— There is however some reason for thinking that M. Dupin was really preferred by the King.— I have no belief that, if M. Guizot disapproved the tone of articles like those which accompany this letter, he would find any difficulty in preventing their appearance in the "*Journal des débats*." For this reason I have observed, that it is not so easy as it ought to be to say, whether they are calculated to throw light upon the views of the French Government in reference to this question, or to involve them in greater mystery.— They are at any rate apt illustrations of the circumspection required in forming judgments on any points of European policy, in reference to which it is deemed expedient by the Governments to practise any concealment.

I am [etc.].

## 2835

*Edward Everett, United States Minister to Great Britain, to John C. Calhoun, Secretary of State of the United States*<sup>1</sup>

No. 284—Confidential.

LONDON, March 28, 1845.

SIR: A short time since there appeared in the French journals a statement that, among the papers of St. Anna [Santa Anna] there had been found since his downfall documents pertaining to a proposed cession of California to Great Britain. This report having appeared previous to the reception of any authentic account of the arrest of St. Anna, was of course to be regarded as apocryphal. It afforded however the subject of enquiry in the House of Commons, and was declared by Sir Robert Peel to be wholly destitute of foundation.—

It may be proper to observe in this connection, that on occasion of the informal overtures which I was instructed by M<sup>r</sup> Webster to make for the settlement of the Oregon question and the matters in dispute between Mexico and the United States, by a tripartite arrangement which should, as one provision, embrace a cession to the United States of the port of San Francisco on the Coast of California, Lord Aberdeen stated to me more than once, that, though the Queen's Government would not deem it expedient to become a party to any such engagement, they had not the slightest objection to our making an acquisition of territory in that direction.— Conversing on this general subject with M<sup>r</sup> Pakenham, about the time of his departure for the United States, he expressed the opinion from long acquaintance with Mexico, that it was in vain to expect that Government to consent to any cession of territory. He thought they would resist all proposals for such an object, with something of the obstinacy commonly ascribed to the Castilian character.—

<sup>1</sup> Despatches, Great Britain, vol. 54. Received April 17.

Although this despatch was addressed to Secretary Calhoun, he had resigned on March 1, 1845, and his successor, James Buchanan, had been appointed on March 6, 1845.

Without disparaging M<sup>r</sup> Pakenham's knowledge of that Country derived from a long residence in it, there is reason to think that he has formed on this occasion an incorrect opinion. The Chevalier Bunsen, the Prussian Minister at this Court, informed me confidentially a short time ago, that two or three years since, a distinct overture was made by Mexico to cede California to the Prussian Government. He assured me that this was a fact of which he had personal knowledge. The offer was declined by the Prussian Government, in consequence of the remoteness of the territory and a desire to avoid the risk of collision with the United States.—

I believe that this fact has never before been disclosed, and I would suggest the expediency of its being considered as a strictly confidential communication. Though it may have no direct connection with the questions of boundary between the United States and Mexico to which recent events now give new interest, I have thought it quite important as throwing light on the general dispositions of that Government in reference to its territorial policy.—I have more than once heard the opinion expressed, in disinterested quarters here, that if Mexico were prudently approached in a conciliatory tone, our relations with her might be brought to an amicable and satisfactory adjustment.—

I am [etc.].

2836

*Edward Everett, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 317

LONDON, May 15, 1845.

SIR: The "Caledonia" Mail-Steamer of the 1<sup>st</sup> instant, arrived about midnight of the 13/14th. I received by her no instructions; but the documents and papers contained in the despatch-bag have been placed in due course to be forwarded to their destination.

The newspapers which will be brought by the "Great Western" will convey the opinions of the London press on the topics of Texas and Oregon, in reference to the manner in which the parliamentary explanations of the 4<sup>th</sup> of April were received in the United States. I shall probably be able by the steamer of the 20<sup>th</sup> instant to communicate to you the result of a conversation, which I hope to hold with Lord Aberdeen in the interval on the relations of the two Countries.

It is stated in the papers that M<sup>r</sup> Ashbel Smith, late Texian Chargé d'Affaires to London and Paris, and now Secretary of State of Texas came to this city as a passenger in the Caledonia. Being in very friendly personal

<sup>1</sup> Despatches, Great Britain, vol. 55. Received June 3.

The omitted portion at the end of this despatch relates to plans for new colleges in Ireland, and also to commercial affairs.

relations with this gentleman I shall no doubt soon see him. He is a person of more than ordinary talent and capacity for affairs, and is exceedingly well respected at this Court.—

Nothing has occurred since I last addressed you, to change the aspect of affairs in reference to the great questions at issue. I am told that a good deal of anxiety exists in the Commercial and Manufacturing circles, where a war with the United States would no doubt be greatly deprecated. Neither Texas nor Oregon, as far as I am aware, has been mentioned in parliament since the evening of the 4<sup>th</sup>.

## 2837

*Edward Everett, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

No. 318

LONDON, May 17, 1845.

SIR: In my number 317 of the 15<sup>th</sup>,<sup>2</sup> I alluded to the return by the Steamer of the 1<sup>st</sup> instant, of M<sup>r</sup> Ashbel Smith of Texas to this Court. I transmit herewith a paragraph from the "Morning Chronicle"<sup>3</sup> of this day relative to that gentleman, which, from internal evidence, I presume to be published on his own authority.

It would appear from this statement, that M<sup>r</sup> Smith comes back to Europe under an ordinary appointment as Chargé d'Affaires, to take the place of General Terrell, whose nomination in that capacity was not confirmed by the Senate of Texas. It seems probable, however, that in so soon sending abroad again a gentleman who had but just returned on his own request, and who was filling the place of Secretary of State at home, the Executive in Texas had in view the present critical state of public affairs in that country and the peculiar ability of M<sup>r</sup> Smith; so that his Mission, though nominally of the ordinary character, may be considered in some respects, in reality of a special nature.—

I am [etc.].

## 2838

*Edward Everett, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>4</sup>

No. 331

LONDON, June 17, 1845.

SIR: The health of M. Guizot is so far restored, that he has resumed his place in the Chamber of deputies. On the first day of his re-appearance (the 10<sup>th</sup> instant) he made an able speech on the general aspect of the foreign affairs of the Country in reply to M. Billaut.

<sup>1</sup> Despatches, Great Britain, vol. 55. Received June 4.    <sup>2</sup> Above, this part, doc. 2836.

<sup>3</sup> Not included in this publication, since its content is adequately indicated within this despatch.

<sup>4</sup> Despatches, Great Britain, vol. 55. Received July 5.

On the subject of Texas this gentleman accused the Minister with having pursued a course unfriendly to the United States out of complaisance to England. He went so far as to say that, if the Texian Congress should declare in favor of annexation a war would result, in which France would take sides with England against the United States; and this policy, as he said, was pursued in order to purchase the consent of England to the abrogation of the right of search. To these observations, M. Guizot, according to the report in the *Journal des débats*, replied in the following manner:—

After Taïti for which the Honorable M. Billaut makes me responsible I pass to Texas;

I commence by declaring to the Chamber in the most formal manner, that there is no connection between the policy which the Cabinet thought itself bound to pursue in reference to Texas and the abrogation of the right of search.— Had the question on the right of search never arisen, the policy of the Cabinet in reference to Texas would necessarily have been the same that it has been.

If Texas wishes to renounce her independence and incorporate herself with the United States,—if this is really the wish and desire of the Texian people,—we have nothing to say or do in opposition to it.

If on the other hand Texas wishes to preserve her independence, we have not only no reason to oppose her doing so, but I do not hesitate to say, that France must approve her conduct in this respect.

We recognized the independence of Texas;—we thought it real, and that we had an interest in recognizing it.

We not only recognized the independence of Texas, but we have entered into treaties with her which fall to the ground, when she ceases to be an independent State.

We contracted these treaties with her, because they held out to us the prospect of important advantage;—because we thought France might have or might create there commercial interests, which would be benefited by the independence of the new State. It concerns us then that this independence should be maintained.

I pass to a higher consideration, and say that France has an interest in the duration of the independent States of America, and in preserving the equilibrium of the forces which balance each other in this part of the world.

There are in America three Great Powers the United States, England, and the States of Spanish origin.

These are the three groups of forces truly American. France is not an American Power. We have interests in America but are not present upon her soil. What then is our interest there?— It is that the independent States should retain their independence;—that the balance of the Great Powers among which America is divided should continue, and that no one should become preponderant. In America as in Europe we have political and commercial interests, and we have need of the independence of the different States.

Such is the essential idea which ought to govern the policy of France toward America.

It is not our business to protest against the annexation of Texas to the United States nor to engage in a struggle to prevent it, if it is to take

place. It is our business to leave the population of Texas in full liberty. If she wishes to annex herself to the United States, let her do so. If she does not wish it, let her remain free not to do so. France ought not to interfere but by the weight of her influence and the expression of her opinion, in the direction of what she considers her own interest. She is not called to commit herself,—to engage in the difficulties of the future; but it belongs to her to protect by the authority of her name, the independence of States and the balance of the great political powers of America.

The conduct of the Cabinet toward Texas has no other motives, and has been confined within the limits which I have had the honor to indicate to the Chamber.—

It might not be easy to justify on the foregoing principles, the policy of acknowledging and upholding the independence of Texas. The separation of an extensive province from Mexico, the weakest of M. Guizot's three groups, does not seem to cohere with the policy of maintaining the equilibrium between the United States, England, and the Republics of Spanish origin.— Neither might it be easy to prove that France has any interest in maintaining such an equilibrium. The great political interest of France at present is to balance the power of England and Russia, and it would not be difficult to show that this interest ought to lead her, as far as it lies with her to do so, to promote the preponderance of the United States on the American Continent.—

The policy of France toward Texas is in this respect, better than the reasons assigned for it by M. Guizot. In fact the opinion appears to be gaining ground in Europe, as far as I have the means of observation, that the annexation of Texas is a great domestic question on the part of the People of Texas and the United States, in reference to which opinions in both countries may be honestly divided, according to local views and interests, but that it is a subject in which the Powers of Europe have little or no real concern.

I may observe that M<sup>r</sup> Ashbel Smith left London for Paris on the 14<sup>th</sup> instant, but whether on any particular errand I am not informed.

I am [etc.].

2839

*Edward Everett, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

No. 337

LONDON, July 4, 1845.

SIR: Happening to have an interview with Lord Aberdeen yesterday on various matters of public business in reference to the approaching termination of my mission, the conversation turned upon Texas. I was led to think from his remarks, that he considered it certain that the annexation of that

<sup>1</sup> Despatches, Great Britain, vol. 55. Received July 23.

country to the United States would take place this season, and that such was the opinion which Mr Ashbel Smith had expressed to him.—

He said that Captain Elliot's repairing in person to Mexico to urge upon that Government the recognition of Texas was not a step taken in pursuance of instructions:—on the contrary he would be advised by this day's mail that his conduct in that respect was disapproved.

The measure of recognition itself as proposed by Mexico was entirely approved by Her Majesty's Government. It was not in terms conditional; though the understanding was expressed that Texas would maintain her independence. It had been the wish of Mexico, in acknowledging the independence of Texas, to place it under the guaranty of France and England. I inferred from the manner in which Lord Aberdeen alluded to that point, that such a guaranty had not been deemed advisable by those governments.

On my expressing the hope that Mexico would not be ill-advised enough to go to war with the United States in consequence of the measure of annexation, he said if she did, it would not be from any instigation on the part of Great Britain.

I am [etc.].

2840

*Louis McLane, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 5

LONDON, *September 18, 1845.*

The rumour of a war with Mexico, does not appear to produce as much impression here as might have been expected. Indeed, few persons, if any, believe it possible that Mexico will have the temerity to declare war, without the means of prosecuting it; and I have no doubt that the counsels of this government, if they interfere at all, will be employed to prevent it, from an apprehension of the advantages the United States might derive from it. The prompt and effective preparation made by our Government, and the fine spirit so universally manifested by our People have also had a good effect here, not only in dissipating all notion of serious divisions among our own people upon the annexation question, but in discouraging any attempt to obtain a Mexican loan in England. I learn from unquestionable sources that it will not be possible to borrow money here upon any terms for Mexico, and that the universal impression is that a war with the United States would forever overthrow the Mexican authorities; so that, in this instance, the maxim of preserving peace by proper preparations for war, has had a

<sup>1</sup> Despatches, Great Britain, vol. 56. Received October 5.

The omitted portions at the beginning and end of this despatch relate to claims and routine matters.

wider and more extensive influence than might have been anticipated. If Mexico cannot raise the means by foreign loan, how is it possible to go to war?

2841

*Louis McLane, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 8

LONDON, September 26, 1845.

SIR: The improbability, stated in my despatch number 5,<sup>2</sup> that the Mexican government would be able to obtain in England, by loan or otherwise, the means of prosecuting a war against the United States, appears on all hands to be conceded. I may also repeat, with greater confidence, the impression that immediate hostilities on the part of Mexico, will be discouraged in this quarter; and mainly as I believe from the apprehension, that a war with Mexico alone, would afford the United States an opportunity of extending their territory, and of acquiring other and greater advantages.

Indeed, I think you may consider it pretty certain, that the design of this Government is and will be, to keep the difficulties between the United States and Mexico in their present posture, at least during the pendency of the Oregon negotiation; so that Mexico may be in a position to be counselled to war or peace, as the result of that negotiation may render expedient. I need add nothing of the motive which would exist with the British government to urge Mexico into active hostilities in case of a failure of the pending negotiation at Washington; or of the danger of irregular and premature outbreaks from its protracted continuance.

2842

*Louis McLane, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 9

LONDON, October 3, 1845.

In our interview yesterday, Lord Aberdeen stated, and in order, as he said, that I might take the earliest opportunity of communicating it to my Government, that the Chargé d'Affaires of the United States at Buenos Ayres, by his unauthorized interference, in the difficulties between England

<sup>1</sup> Despatches, Great Britain, vol. 56. Received October 17.

The omitted portion at the end of this despatch relates to consular affairs and to other matters not pertinent to this publication.

<sup>2</sup> Above, this part, September 18, 1845, doc. 2840.

<sup>3</sup> Despatches, Great Britain, vol. 56. Received October 21.

The omitted portion at the beginning of the document relates to the Oregon controversy.



and France, and President Rosas, had seriously embarrassed their joint operations.<sup>1</sup> Lord Aberdeen said that England and France had not invited the co-operation of the United States, from any want of respect towards us, but, on the contrary, that they would have been most happy of our co-operation, if they had supposed it possible we could have been induced to give it; but that the offer of mediation which Mr Brent in the first instance made was rejected, because it was not authorized by his Government; and that their information now was, that after his mediation had been declined, he has interfered in behalf of President Rosas, and encouraged him to hold out in opposition to the Governments of France and England, in the expectation that he would be ultimately supported by the Government of the United States. I could not do less than to promise to communicate this information to my Government, and having done so, have discharged my duty.

I have the honor [etc.].

2843

*Richard Pakenham, British Minister to the United States, to James Buchanan, Secretary of State of the United States*<sup>2</sup>

WASHINGTON, November 7, 1845.

Mr Pakenham presents his compliments to Mr Buchanan, and has the honor, in compliance with Mr Buchanan's request herewith to enclose to him a copy of Mr Brent's Note to the Argentine Government of 12 June 1845.<sup>3</sup>

<sup>1</sup> See below, on this page, note 3, the communication of the British Secretary of State for Foreign Affairs to the British Minister to the United States, on this subject.

<sup>2</sup> Notes from Great Britain, vol. 23.

<sup>3</sup> For this note from the United States Chargé d'Affaires at Buenos Aires to the Argentine Government, see above, vol. 1, doc. 141. The British Minister received it as an enclosure with the following communication from the British Secretary of State for Foreign Affairs, dated October 3, 1845:

*Lord Aberdeen, British Secretary of State for Foreign Affairs, to Richard Pakenham, British Minister to the United States*

LONDON, October 3, 1845.

SIR: By the Dispatches recently received from H. M.'s Minister at Buenos Ayres, of which I herewith enclose copies, it will be seen that the Chargé d'Affaires of the United States to that Republic has thought fit, apparently of his own accord, and without Instructions from his Govt. not only to offer to the Argentine Govt. the Mediation of his Govt. in the settlement of the questions which have arisen between Great Britain & France & Buenos Ayres, with respect to Monte Video, but also to hold a language to the Authorities of Buenos Ayres calculated to excite that Govt. to a resistance to the wishes of Great Britain & France, & thereby to thwart the efforts at pacification which those Powers are at present making in the River Plate.

H Ms Govt. would have had no reluctance to act in concert with the Govt. of the United States in the attempt to restore Peace to Buenos Ayres & Monte Video, on the contrary, they would have greatly desired such cooperation; but as the mediation had already been twice proffered in conjunction with France, it was not thought necessary to seek for any extension of the Parties concerned on the present occasion. The British & French Govts. however felt confident that they should receive the cordial support of the Govt. of the United States in the disinterested & beneficent work in which they were

## 2844

*Louis McLane, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 44

LONDON, May 18, 1846.

You will have perceived, from the Papers, that a M<sup>r</sup> Escondon, an agent from Mexico, has recently arrived in London, with a view of purchasing arms, and of raising money; and it has been reported, but I am sure without foundation, that he had received some countenance from the English authorities. It is certain he has a credit to the amount of (£2000.) two thousand pounds (!) with the House of Baring Brothers & Company, which is intended, I learn, to be applied to the purchase of arms in Belgium: and

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engaged; & the strange & unexpected course pursued by the American Chargé d'Affaires does not diminish this confidence. But this unwarranted, & so far as we can collect unauthorized interference is naturally very distasteful to H<sup>r</sup> M's govt., & I have accordingly to desire that you will without delay draw the attention of the United States Govt. to the conduct of M<sup>r</sup> Brent, & invite them to furnish him with such Instructions as shall ensure his future abstinence from interference unless invited by all the Parties to the pending Negotiations.

In making a communication to this effect to the United States Govt. you will at the same time declare to them that we have no desire to act with the smallest concealment either towards the United States or towards any other Nation; with respect to our object in opening with the Govt. of Buenos Ayres the Negotiation in which M<sup>r</sup> Brent has thought proper to interfere.

We open that Negotiation in conjunction with France solely in order to put a stop, if possible, to a barbarous & desolating War which took its rise in personal feelings & motives, which has been carried on with unparalleled ferocity, & which has for its ultimate object no great political result, but merely the settlement of the petty question whether one person protected by General Rosas, or another hated by him, shall be placed at the head of the Monte Videan Govt.

This war has now continued, mercilessly & hopelessly, above three years. Foreign Commercial interests have during that period suffered incalculably; & the development of the internal condition & resources of the two belligerent [*sic*] themselves but especially of Monte Video, has been proportionably blighted, their people demoralized & the comfort & happiness of hundreds of innocent & thriving families destroyed.

Great Britain, allied by Treaty, as she is, with Monte Video, which under her Mediation was created an independent State, could not, & cannot see with indifference her prosperity annihilated & her independence threatened. We have therefore, in conjunction with France determined to employ our utmost efforts to put a stop to such a state of things, pacifically & by mutual agreement of the Parties if possible; if not, by compulsion. It is, in truth, time that such a contest should cease, & we are determined so far as it depends on us, that it shall cease.

In pursuing this course, H<sup>r</sup> Ms Govt. have no interested motive beyond the one great object which is common to all, & especially to all commercial nations, viz the establishment of peace on equal terms & the restoration & development of commerce, foreign & native.

This great & beneficent object, H<sup>r</sup> Ms Govt are determined to use their utmost efforts in conjunction with France to attain, & they believe that if they succeed in attaining it, they will be justly entitled to the gratitude both of the belligerent Republics & of every commercial Nation in the World.

You may put a copy of this Despatch into the hands of the American Secretary of State if he should desire it.

I am [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 56. Received June 3.  
The omitted portion at the beginning of the despatch relates to the Oregon question.

he is endeavouring to effect an arrangement upon a much larger scale with the Mexican Creditors in England, in regard to a change in a part of the existing debt, by which, if successful, he would raise several millions of dollars. In this, however, I am assured from excellent authority he has not the least prospect of succeeding; though, as to all this I am more dependant upon the observations and knowledge of others than upon my own.

As to the Mexican creditors it is not probable, whatever their feelings towards the United States may be, that they will take any course calculated to sacrifice their interests. Although the government itself, and all classes here might be desirous of, and indeed not altogether inactive in keeping the difficulties between the United States and Mexico unsettled until the Oregon question be finally disposed of in one way or the other, I have no idea that any direct encouragement would be given by the advance of money by the government or by any one else in order to effect that purpose. In the course of the conversation with Lord Aberdeen this subject was adverted to; and I stated not only the rumour I had heard here, but the impressions which had been prevalent in the United States that Paredes had been encouraged in his treatment of the United States and of our Minister by British agents. He disclaimed and denied it in the most explicit terms. He said, on the contrary, that the English Minister in Mexico had gone so far and been so active in advising Paredes to settle his difficulties with the United States amicably as to have exposed himself to the imputation of taking part with the United States, and to have needed some admonition to observe a more strict neutrality.

In closing this Despatch, I must ask leave to bring my own situation definitively to the notice of the President. The offer now made, and the course the Oregon negotiation is now to take with the Senate, necessarily dispenses with any further aid that I could possibly render here. Indeed, I ought frankly to state that I can foresee no manner, at present, in which I could give further assistance: and under these circumstances, looking to the state of my health, and to my arrangements at home, I must express the hope, that unless the President can see some definite purpose, more than is at present discernible to me for my continuing here, he will make up his mind to my departure hence in the steamer of the first or nineteenth of July.

I have the honor [etc.].

2845

*Louis McLane, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

No. 50

LONDON, May 29, 1846.

SIR: I received this morning, your despatch, number thirty, of the fourteenth Instant;<sup>2</sup> and I thought it might be expedient promptly to acquaint Lord Aberdeen with its purport. I accordingly called on him, and read the greater part of the Despatch to him: and although he appeared to expect a more formal notice than even I am able to give of an actual Blockade, I will, in the course of the day, or tomorrow, communicate to him the import and contents of your despatch, in a more formal manner.

He expressed his regret that the crisis had come; and although he admitted that this country was the last to take exception to the most vigorous system of blockade, he said it was always to be apprehended that in its practical enforcement more or less difficulty might arise. He repeated, on this occasion, that he had uniformly counselled the Mexican Authorities to an amicable adjustment of their difficulties with the United States, and assured them that, in case of a war, they would have nothing to expect from this Government; and he added that in the future it would be his principal desire by his counsels to recommend peace.

He remarked in the course of conversation, that in the investigation he had made of the subject, when endeavouring to procure the recognition of the independence of Texas, by Mexico, he had rather concluded that the Nueces was the legitimate boundary, and that which Mexico was expected to recognise; though, of course, he did not pretend to express this opinion with any reference to the present state of the case or to the present relations between the United States and Mexico. He went on to express the hope that no idea of conquest might be entertained; inasmuch as that was always apt to be an object of more or less jealousy with all other Powers.

To this I supposed the language of your Despatch would furnish the answer; and I added the assurance that it only spoke the sentiments by which all the statesmen of our country were animated. At the same time, it was at present not easy to foresee all the consequences of a war which Mexico had so wantonly provoked, and in which the United States had so much injustice and so many wrongs to redress. After so many outrages on the part of Mexico, and so much forbearance on the part of the United States, it would be unreasonable to expect that the war would be suffered to end without an effectual maintenance of our rights and vindication of our honor; and without laying the foundation of a substantial and permanent peace.

As to the effect which this intelligence may have upon the disposition of

<sup>1</sup> Despatches, Great Britain, vol. 56. Received June 16.

<sup>2</sup> Above, this volume, pt. I, doc. 2684.

this Government in relation to the Oregon difficulties it is impossible, without further time for observation, to speak with even tolerable certainty. It is, of course, not calculated to increase the chances of more favorable terms, than have been already proposed; but one thing may be taken for granted, that we are not to suffer from a united and vigorous prosecution of the war with all the resources at our command; and such a determination I hope will soon be manifest in Congress and in the country at large.

I have the honor [etc.].

2846

*Louis McLane, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

No. 54

LONDON, June 3, 1846.

SIR: In my Despatch, number fifty, dated the twenty ninth Ultimo,<sup>2</sup> I acquainted you with my personal interview with the Earl of Aberdeen on that day, in which I announced to him the recent measures adopted by our government towards Mexico, and the purpose of the President to establish a strick Blockade of the Mexican Ports; and at the same time explained the objects and views of the President and Congress as exhibited in your letter,<sup>3</sup> in adopting the measures they had done.

Subsequent reflexion rather confirmed my intention, expressed in my Despatch of the twenty ninth of May, of recording the substance of my conversation with Lord Aberdeen in a more durable form, and recording briefly and distinctly the inexcusable provocation given by Mexico; and I have accordingly addressed him a communication for that purpose, of which I beg leave hereto to annex a copy.<sup>4</sup> His absence in the country, during the Whit-sun holidays, prevented me from sending it earlier.

The commencement of the war with Mexico has been unexpected to all classes here; and, for that reason perhaps, our participation in it is more unpopular. I fear, however, that we should have received no countenance, and very little justice in this country no matter under what circumstances, or from what degree of provocation the war might have commenced. I will not attempt to dwell in detail upon the causes of this state of public opinion in England, to which such a spirit of hostility to our country and its constitutions and policy is to be traced; though I cannot resist the conviction, painful as it may be, that it exists; and I am afraid that it may now and hereafter be expected to exert more or less influence in all our relations with this country.

<sup>1</sup> Despatches, Great Britain, vol. 56. Received June 20.

<sup>2</sup> Above, this part, doc. 2845.

<sup>3</sup> Above, this volume, pt. 1, May 14, 1846, doc. 2684.

<sup>4</sup> The above-mentioned communication was later slightly altered, as explained in McLane's No. 55, June 18, 1846, below, this part, doc. 2849. The document which was substituted is below, this part, June 3, 1846, doc. 2847. The only change was the insertion of the parenthetical expression in the fourth paragraph.

A war between the United States and Mexico, without other interference, was not desired by any interest in this country, simply because it was the universal impression that Mexico could not maintain the contest. It was both expected and desired that our difficulties with Mexico should be kept unsettled to await the issue of the Oregon question; when peace or war might follow according to that issue. Now, however, it is apprehended that we may force Mexico to reasonable terms before the end of the negotiation respecting Oregon; and so far as the Press may be taken as an evidence of public feeling in any quarter, it has not only occasioned disappointment and passion, but has excited an apprehension that the preparations for the Mexican war are calculated and indeed intended to meet the contingency of war with Great Britain!

It may be expected, I think, that the existence of the war with Mexico, with the feeling it has excited in this country, will make it much more difficult if not impossible to obtain any material modification of the offer recently submitted through M<sup>r</sup> Pakenham for the partition of Oregon; and I am sorry to find that the probability of an early change of Ministry is much greater than at the date of my last letter.<sup>1</sup> I almost despair of your answer to that proposition finding the present Ministry in office. I discharge my duty in stating the facts, without presuming even to suggest the influence they are calculated to exert.

I do not believe this government has any desire, if there be no other cause for the disturbance of peace, to interfere in our quarrel with Mexico; and I cannot for a moment doubt the repeated assurances of Lord Aberdeen upon this point. There are interests, however, which would desire and not unlikely urge such interference; and it is not to be disguised that with a general and, in some respect, an undefined apprehension, both here and in France, of other nations becoming involved in the war, there is a strong desire in many quarters in this country that such should be the case. I believe that a pretence only is wanting to lead to that consequence. The best guarantee against a result which you may be certain there will be so many passions active in bringing about, will be a speedy termination of the war, and a careful, but firm and vigorous enforcement of the right of blockade during it's continuance. I sincerely hope that we will be careful not to interfere with the rights and commerce of Neutrals, either by our public or private armed vessels, farther than may be absolutely unavoidable, and that the most prompt and vigorous measures will be adopted to prosecute the war by land and by sea, and by all legitimate means, to an immediate close. Time and reverses only can involve other nations, and make the war disastrous to us.

There appears to be a serious apprehension that on the part of Mexico there will be a general system of Privateering, and prosecuted so extensively as to endanger our commerce with the East Indies; and on that account

<sup>1</sup> His last note, dated June 1, 1846, is not pertinent to this publication.

arrest the advances which, according to the present mode of carrying on the trade, are usually made to American merchants in this country. Indeed Messrs "Baring Brothers, and Company" are the Bankers by whom such advances to the greatest amount are made; and I have reason to know that they are not without apprehensions that the cause to which I have alluded may make it advisable that they should withdraw their accommodations in this way. But how can Mexico continue the war, if we vigorously and with an adequate force, actually blockade all her Ports? I have assured all who consult me that such a blockade will be immediately enforced, and they appear to think that, in that case, the war must be of short duration. It will, at the same time, prove the surest means of preventing Mexico from obtaining any further credit here. I am quite sure, however, that both the hope and expectation are still entertained by many in this country, that General Taylor has been thoroughly beaten; and should not be surprised if the intelligence of that event, by proving that the United States are not so formidable, and Mexico not so weak as was supposed, would enable the Mexican Agents, now in London for that purpose, to procure some money. I am still assured, however, by those in whose opinion I have hitherto been disposed to place confidence, that there is little or no hope of this, in any event.

It may be proper to add that I have reason to believe from information received yesterday, that orders have actually been given for the shipment of a large quantity of rifles and of artillery ordnance from this country, without designated, publicly at least, the particular place. There can be no other destination, however, as I presume, than the *Northern Colonies*, and the only object for such an increase of their armaments in that quarter must be equally obvious. It is evidently a part of their contemplated system of operations in apprehension of difficulties with the United States; from which it may be inferred not only that those difficulties are deemed by no means improbable, but that this government will make no great effort, beyond what they suppose they have already done, to avoid them. I have recently heard it intimated here, as you might have inferred from my Despatch number thirty four dated the third of February eighteen hundred and forty six,<sup>1</sup> that in case of a war with the United States this government will not be content with defensive operations in Canada, but will be prepared, with as little delay as possible, to become the aggressor in that quarter, and invade us in the north. I need not say to what extent any disaster to our army in the south would encourage these plans. But if General Taylor and his army display the courage and enterprise and superiority that may be expected from American troops; and the volunteer spirit throughout the country become what it ought to be, then indeed our preparations and bearing in the war with Mexico may well be expected to do us no harm with stronger enemies.

I have the honor [etc.].

<sup>1</sup> Not included in this publication, since it relates to the Oregon controversy.

2847

*Louis McLane, United States Minister to Great Britain, to Lord Aberdeen, British Secretary of State for Foreign Affairs*<sup>1</sup>

LONDON, June 3, 1846.

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States of America, deems it his duty to communicate in a more durable form, to the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, the measures recently adopted on the part of the United States in relation to the government of Mexico, which he had the honor verbally to announce to His Lordship, in an interview on Friday the twenty ninth ultimo.

The Undersigned, therefore, has the honor to acquaint the Earl of Aberdeen that on the thirteenth of May the Congress of the United States declared that "by the act of the Republic of Mexico, a state of war exists between that government and the United States"; and that the President by proclamation, dated the same day duly proclaimed the same to all whom it may concern.

This act has not been adopted by the government of the United States without a great accumulation of insult and wrong from Mexico; not until after ungraciously rejecting the most solemn overtures from the United States for an amicable adjustment of the differences between the two countries by the usual forms of negotiation, a Mexican army had invaded the territory and openly committed hostilities within the limits in the actual possession of the United States.

The undersigned has also been instructed to announce that a strict blockade of the Ports of Mexico, both on the Atlantic and Pacific will be immediately established; (and indeed the Undersigned believes it has already been established) not only as a legitimate means of coercing Mexico to the offer or acceptance of reasonable terms; but calculated to assist other nations, if yielding to the inducements already existing they should exert their counsel and influence with the Mexican authorities for the restoration of peace upon a just and liberal basis. And the undersigned has been further directed, at the same time that he announces the intention of the President to blockade the Mexican Ports, to assure the Earl of Aberdeen that, for the present at least, the same facilities will be extended to the British Mail steamers that were granted to them by the French in the recent blockade of Vera Cruz.

The undersigned takes the occasion also, in further compliance with his instructions, to acquaint the Earl of Aberdeen that the government of the United States has not engaged in this war without extreme reluctance. Both their interest and their inclination have ever led the government and

<sup>1</sup> Despatches, Great Britain, vol. 56; enclosure with McLane to the Secretary of State, No. 55, June 18, 1846, below, this part, doc. 2849.



people of the United States to desire that Mexico should be an independent and powerful republic, and that their relations with her should be of the most friendly character. Although they could not fail to foresee the disastrous consequences to which the successive revolutions by which that country has been so constantly convulsed, and the ambition of the avaricious and unprincipled men who have placed themselves at the head of the government would too certainly lead, they have felt deeply interested in the establishment of a permanent government, sufficiently powerful and pacific to prevent and redress aggressions upon neighboring states. It must be obvious, however, that up to this time there has existed little if any hope for the accomplishment of these objects; and it is certain that for some years past the United States in their intercourse with Mexico, and whilst nominally at peace, have been obliged to incur much of the expense, and to submit to many of the evils of war.

Nevertheless, the government of the United States go to war with Mexico for the purpose of conquering an honorable and permanent peace; and whilst it is their determination to prosecute the war with vigor both by land and by sea, they will at the same time bear the olive branch in one hand and the sword in the other, and will be ready whenever Mexico will accept the former to sheath the latter.

The undersigned [etc.].

2848

*Lord Aberdeen, British Secretary of State for Foreign Affairs, to Louis McLane, United States Minister to Great Britain*<sup>1</sup>

LONDON, June 9, 1846.

The Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honour to acknowledge the receipt of the Note which M<sup>r</sup> M<sup>o</sup>Lane, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, addressed to him on the 3<sup>rd</sup> instant,<sup>2</sup> in which M<sup>r</sup> M<sup>o</sup>Lane announces that, in conformity with a declaration passed by the Congress of the United States on the 13<sup>th</sup> of May, the President had issued a Proclamation to the effect that a state of war exists between the Government of Mexico and the United States.

M<sup>r</sup> M<sup>o</sup>Lane further informs the Undersigned that a strict blockade of the Ports of Mexico, both on the Atlantic and the Pacific, will be immediately established, and indeed that M<sup>r</sup> M<sup>o</sup>Lane believes it is already established.

The Undersigned has the honour to acquaint M<sup>r</sup> M<sup>o</sup>Lane that Her Majesty's Government have received with the deepest concern the intelligence thus officially made known to them of the rupture between the United States and

<sup>1</sup> Despatches, Great Britain, vol. 56; enclosure with McLane to the Secretary of State, No. 55, June 18, 1846, below, this part, doc. 2849.

<sup>2</sup> Above, this part, doc. 2847.

Mexico; and he requests that, in conveying the expression of that concern to the President, Mr McLane will at the same time assure the President that Her Majesty's Government will constantly seek to allay the animosities which have so unfortunately arisen between the two Countries, and will be ready at all times to employ their best efforts to reestablish peace and harmony between them.

The Undersigned [etc.].

## 2849

*Louis McLane, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 55

LONDON, June 18, 1846.

SIR: With my Despatch Number fiftyfour dated June third,<sup>2</sup> I transmitted a copy of a communication I had addressed to the Earl of Aberdeen<sup>3</sup> for the purpose of recording in a more durable form the substance of your Despatch, of the fourteenth of May,<sup>4</sup> respecting the war with Mexico, and the intended Blockade of the Mexican Ports.

I have now to acquaint you that on the sixth Instant I had a personal interview with Lord Aberdeen according to the invitation contained in his note of the day preceding and hereto annexed.<sup>5</sup> He said he had invited the interview in consequence of my note, and to state his objection to an official promulgation in the London Gazette of a Blockade, of which only the intention of the President to declare it, and not the actual establishment of the Blockade had been or could be communicated to him. He supposed that if by an official promulgation of the Blockade in the Gazette the despatch of vessels to the Mexican Ports in the usual course of trade should be prevented or interrupted, and the intended Blockade from any cause whatever should not be afterwards established, some ground for claim of damages might be afforded; and that he was, therefore, unwilling under the circumstances officially to assume the actual existence of a Blockade, or that orders for it's establishment had actually been given. He concurred with me, however, in the belief that the actual transmission of orders, and the establishment of the Blockade might be regarded as morally certain; and in order, as far as it could with propriety be done, to prevent the despatch of vessels to the Mexican Ports he expressed his willingness, in his letters in reply to the applications from Merchants in the City to state his opinion to that effect. Under these circumstances I deemed it advisable to alter the terms of my note of

<sup>1</sup> Despatches, Great Britain, vol. 56. Received July 6. <sup>2</sup> Above, this part, doc. 2846.

<sup>3</sup> His communication to the British Secretary of State for Foreign Affairs was later slightly altered, as explained below in this despatch. For the substituted document, see above, this part, June 3, 1846, doc. 2847.

<sup>4</sup> Above, this volume, pt. 1, doc. 2684.

<sup>5</sup> Not included in this publication.

the third of June to the Earl of Aberdeen so as to add the expression of my own opinion that the Blockade had been actually established pursuant to the intention of the President which I had been instructed to communicate. Having obtained his consent, as will be seen by his note hereto annexed,<sup>1</sup> to the exchange of notes for that purpose, I substituted a new communication with the alteration referred to, and herewith forward a copy<sup>2</sup> of that which is now in the Foreign Office here: I have to request that a like exchange may be made in the department of State, and herewith transmit the official reply of the Earl of Aberdeen to my note<sup>3</sup> as finally shaped in consequence of the arrangement for the exchange above mentioned.

In the course of the interview Lord Aberdeen adverted to the state and probable progress of the war with Mexico, and to the great desire, upon the part of this government, that peace should be speedily restored. Indeed, I did not doubt that what was said upon this point formed the chief object of the interview. He proceeded to say that Her Majesty's government would be willing and anxious to take any proper step towards the restoration of peace upon terms just and honorable to both nations, and that although he did not intend to offer it's mediation to our government, among other reasons lest the offer might be rejected, he thought he might venture in a private conversation with me unofficially and upon his own responsibility to state that if the President desired it, he would be happy in a more formal way to propose a mediation. In connexion with this subject he read to me a despatch he had sent to M<sup>r</sup> Bankhead, Her Majesty's Minister at Mexico, dated the first Instant, after the receipt in this country of the intelligence of the war, and in reply to a letter from M<sup>r</sup> Bankhead communicating the wish, and indeed the expectation of Paredes, that, in case of the war, he evidently contemplated against the United States, this government would interfere in behalf of Mexico. In his despatch Lord Aberdeen referred to several letters, of previous dates, to M<sup>r</sup> Bankhead, in which he had uniformly disavowed any intention, and explicitly discouraged any expectation of such interference; and in which he had counselled the Mexican authorities amicably to adjust their differences with the United States and to preserve peace. In the same despatch he also alluded to the advice he had given to Mexico, and to the exertions he had made to induce that government to recognize the independence of Texas, which he predicted would be the only means of preventing the annexation of that State to the United States. He complained not only that these admonitions had been disregarded, but that now, after the consummation of the act which he had predicted as the consequence, and when it was too late to be obviated, instead of making peace with the United States Mexico had madly and precipitately plunged down the precipice which had been pointed out to her; and he instructed M<sup>r</sup> Bank-

<sup>1</sup> Not included in this publication, since it was merely a brief note of consent to the exchange of notes for the above purpose.

<sup>2</sup> Above, this part, June 3, 1846, doc. 2847.

<sup>3</sup> *Ibid.*, June 9, 1846, doc. 2848.

head to assure Paredes, or the government of Mexico, that this government would not in any manner interfere in the contest which Mexico had so unadvisedly and prematurely brought on.

I frankly stated to Lord Aberdeen that I could not even entertain the intimation he had given, except in the most informal and private manner: and that although the war had been forced upon the United States by Mexico, and that the President had no other object in prosecuting it than to conquer an honorable peace, I thought it scarcely possible that he could be induced to express or entertain the least desire for the mediation of a third Power. That he supposed other states, interested in commercial relations with Mexico, and in the preservation of peace, would interpose their advice to lead the Mexican government to offer reasonable terms of peace, was certain, and had been frankly avowed as one of the objects of the meditated Blockade of the Mexican Ports, but that I had not the least reason to suppose or believe that the President entertained a desire for a more formal or different mediation between the United States and their enemy.

I also adverted to the application of Paredes to M<sup>r</sup> Bankhead in the actual crisis as an evidence that in Mexico at least, the interference of this government had been expected, no matter in what way it might have been encouraged; and, therefore, that it must be supposed to have exerted some influence in hastening the crisis which Paredes had precipitated; and I also referred to the discussions at a meeting of the Mexican Bondholders in this city, a few days previous, in which a greater accommodation to Mexican credit had been openly advocated (and finally adopted) upon the express ground that the interference of this government in behalf of Mexico might be certainly relied upon: and I expressed the opinion that the assurances M<sup>r</sup> Bankhead had been instructed to give to the Mexican government would of themselves in all probability remove the principal expectation which had led to the commencement of hostilities. I stated at the same time my belief that the government of Mexico had been induced to postpone an adjustment of its differences with the United States from an expectation that the Oregon question might lead to a rupture between the United States and Great Britain, and this only might prevent the natural effect to be expected from the tenor of the letter to M<sup>r</sup> Bankhead. Lord Aberdeen expressed his concurrence in this suggestion, and admitted that he had in fact stated to the Mexican Minister here that that was the only contingency in which it was at all to be expected that this government would interfere. I added that, upon the whole, I entertained no doubt that under these circumstances, if the Oregon question should be amicably adjusted, Mexico would be at once compelled to sue for peace, and that if that contingency was not probable, any idea of mediation or interference with the United States upon the part of this government would on that ground alone, independent of all other considerations, be manifestly improper and out of place.

I took the occasion also to advert to the feeling which had been so promptly and generally manifested in favor of Mexico and against the United States by the Press and in the Commercial circles of London, as not only unjust and reprehensible in itself, but as interposing an insuperable obstacle to any mediation upon the part of this government with the government or people of the United States; and although he did not admit the existence of this feeling in the degree I had attributed to it, he did not affect to deny that it prevailed to some extent; and frankly confessed, for himself, that he could not be expected to contemplate with any pleasure the disastrous injuries the war might be expected to inflict upon the Mexican government and People.

Although I think it quite impossible to doubt the entire sincerity of Lord Aberdeen, in all that he said in this interview and upon previous occasions; and although I have not the remotest expectation that this government will be induced to interfere unless for greater cause than I can now contemplate as possible; the proofs that with the People of this country the feeling is in favor of Mexico and against the United States daily multiply. These, however, whatever may be pretended to the contrary, proceed from other causes and are encouraged by other hopes and expectations than such as a real sense, if it could be entertained, of the injustice of the war on our side might be supposed to afford; They are, therefore the more effectually to be defied and overcome by a *vigorous prosecution of the war, and a successful assertion of the superiority of the American Power*. The recent victories at Palo Alto and at Resaca de la Palma, and more than these the spirit and gallantry and steady discipline and self devotion of our troops; and the manly unostentatious superiority of the Commander in chief in action and in his despatches, together with the tone of honorable magnanimity which characterised the objects of all, as well as their conduct in the hour of triumph, have already served to inspire a respect for our country and our cause which was not felt before, and which nothing less could have produced. A further prosecution of the war with like results and with the same spirit will soon ensure us an honorable peace, and the respect of the world.<sup>1</sup>

2850

*Louis McLane, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 69

LONDON, August 15, 1846.

SIR: Although this despatch will be taken by the same steamer which, I hope, will bear me and my family in safety to our home, I think it proper,

<sup>1</sup> The portion of the document omitted here relates chiefly to the Oregon question.

<sup>2</sup> Despatches, Great Britain, vol. 56. Received September 5.

in this way, to acknowledge the receipt of your Despatch of 27<sup>th</sup> July Number 44 <sup>1</sup> in which you convey the President's approbation of my treatment of the conversation with Lord Aberdeen respecting a mediation in our dispute with Mexico,<sup>2</sup> and refer to a supposed discrepancy between the view I have taken of the subject, and that which might possibly be authorized by the observations of Sir Robert Peel: You also express your confidence in my account of the interview with Lord Aberdeen.

Without stopping to enquire whether such discrepancy be really authorized by Sir Robert Peel's remarks, I must say that it is perfectly certain that either party would be quite incapable of intentionally misleading; and if we really differ in our views it must arise from a misapprehension of each others meaning and intentions. Unless, however, I may have regarded the conversation of Lord Aberdeen as of a less formal character than he intended it to be I do not think it possible I have been guilty of the least misapprehension upon any point.

That Lord Aberdeen intended in a private and informal manner to present an opportunity of an offer of mediation on the part of this government, if he could have reason to believe it would be acceptable to the President, may be considered certain, and is sufficiently obvious from my Despatch. Indeed, unless for that purpose such a communication upon such a subject and under the circumstances, could scarcely have been made. It must be quite clear that, in the state of the relations at that time existing between the United States and this government, neither Lord Aberdeen nor myself was in a situation to converse formally on the subject, and he moreover expressly disclaimed any intention to make a formal offer to mediate, lest it might be rejected, unless he could be assured that it would be agreeable to the President. Such assurance I could by no possibility give. The utmost, therefore, he could hope or attempt was to endeavour, by individual suggestions from himself, informally to ascertain the President's views, and the reception which a more formal offer, if made, might probably meet with. Such indeed is the understanding I meant to convey in my account of it; and even in this view of it, I thought it due to the subject and to the President to make the observations which I have already stated in the Despatch to which you refer.

Without pretending to give the precise words used, either by Lord Aberdeen or myself, during our interview, I am very sure that I have faithfully recorded the substance and real meaning of all that occurred. Indeed, such is my confidence in the faithfulness of the representation I have given of it, and in the single-mindedness of Lord Aberdeen and of Sir Robert Peel, that if either of them had been in London, or time had admitted of approaching the former in another way, I would have submitted my former Despatch

<sup>1</sup> Above, this volume, pt. I, doc. 2685.

<sup>2</sup> This conversation is reported in McLane's No. 55, June 18, 1846, above, this part, doc. 2849.

to the perusal of either with the certain expectation that it would in all things have been affirmed.

Viewing the subject, however, as I have reported it, and notwithstanding the observations I made in relation to it, both Sir Robert Peel and Lord Aberdeen may have expected that my communication of the substance of the interview, such as it really was, to my government would elicit some answer from which they might infer the President's views, and decide upon the expediency of making a formal overture of their mediation. Indeed, I stated, in my despatch, that a reference to this subject was obviously the main object of the interview; and I could not doubt that being desirous of effecting a mediation, but unwilling to attempt it at the hazard of having their offer rejected, they had adopted this informal expedient of ascertaining the probable fate of any formal offer they should make.

In an interview I had with Lord Palmerston yesterday, in order to ascertain in which way it would be most convenient and agreeable to communicate the President's letter to the Queen, announcing my recall, allusion was made to this subject, and it is certain that the present government have been expecting some answer.

I stated very unreservedly to Lord Palmerston my understanding of the very informal and indeed private character of Lord Aberdeen's conversation, and also the contents of my communication to my government giving an account of it. I thought it proper on this occasion to add that, on the whole, I considered Lord Aberdeen's conversation so informal, and that an intimation of mediation in the state of our relations at that time was so delicate, as to have made it impossible that I should have received it, or taken it even for reference to my government, except most informally and in my individual character, without in the least committing either my government or myself to any further notice of it. Lord Palmerston appeared to concur in the propriety of these general views; and thought especially that in the state in which our relations then were, a more formal reference to the subject would not have been authorized, or that I could have interpreted it differently. It was evident, however, that he thinks that in the present state of our relations he would be warranted in taking some further and perhaps more formal steps to ascertain whether an offer of mediation upon the part of this government would be favorably received and considered by the President; and I think it almost certain that Mr Pakenham will be immediately instructed to endeavour to ascertain the President's views upon the subject.

I took this occasion again to advert to the nature and progress of the war with Mexico, to the intentions and vigour with which it would be prosecuted by the United States, and to the policy which in conversations with me Lord Aberdeen had avowed as that which would be adhered to by Her Majesty's government. On these points the conversation was entirely satisfactory; and I am sure you may consider it altogether certain that, unless in the

progress of the war there should arise some unforeseen and unnecessary collision with neutral rights, there will be no attempt upon the part of this government in any manner to interfere. I have in former despatches acquainted you with the strict impartiality hitherto observed upon the part of this government even during the most critical period of our relations; and it is not to be supposed that the motives for peace which had so much influence in leading to the amicable adjustment of the only difficult question in its relations with our government will have less effect upon the conduct of this government in future. That they may wish to abridge as much as possible the injury to their commerce and to other classes of their subjects which must be inflicted by a protracted war is natural and indeed entitled to respect. That there is a deep and universal desire in this country to preserve the peace of the world, and especially of Europe; and that there may be a general and uneasy apprehension that it might possibly be disturbed by a long continuance of the war between the United States and Mexico is not only probable, but certain and natural, and, I must think, laudable. It may therefore be expected that, as far as it can be done consistently with proper respect to the rights and pride of all concerned, the good offices of those governments who have most to apprehend from a general war will be interposed to counsel and preserve peace. Any further or different attempt upon the part of this government to oppose the most vigorous prosecution of the war with Mexico, I repeat, need not be apprehended.

I also took occasion, in my conversation with Lord Palmerston, to advert to the state almost of disorganization and anarchy with which, if not actually existing, the government of Mexico is imminently threatened; and I expressed my apprehension that a permanent and speedy peace might not only be rendered hopeless, but that a more protracted and vigorous prosecution of the war might become not less expedient than unavoidable.

The force of this view of the subject was not denied, but to a certain extent admitted; although Lord Palmerston did not appear to regard the disorganization of the Mexican government so imminent as I considered it, and thought that the act of the nominal government making peace would be more generally acquiesced in, and be more permanent than my observations would suppose.<sup>1</sup>

<sup>1</sup> The remaining part of the document acknowledges and comments upon the receipt of four instructions, none of which are pertinent to this publication.



2851

*James McHenry Boyd, United States Chargé d'Affaires ad interim at London,  
to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 2

LONDON, September 3, 1846.

I also take the liberty to send you a copy of the "Times" newspaper of the 25<sup>th</sup> Ultimo containing a report of observations made in Parliament, the previous day, in regard to the existing relations between the United States and Mexico, and the propriety of an intervention upon the part of this government for the restoration of peace. It is, perhaps, needless for me to say that, notwithstanding the high ground taken by the leaders of the "country party", and the boldness with which they affect to speak in the name of British Interests, their movement upon this occasion is not justified by the rise here of any new feeling, either in commercial circles or in the public mind, in favor of Mexico or against the United States. On the contrary, there can be no doubt that the same earnest disposition to prefer the preservation of friendly relations with the United States to all other considerations, of which up to the date of Mr McLane's departure you are so well advised, still continues unabated in every quarter. The slight rise in Mexican Bonds succeeding the discussion in Parliament of the 24<sup>th</sup> Ult., I am informed, from good sources, is to be attributed not to any encouragement derived from the violence of Lord Geo Bentinck and his friend, but to expectations based upon the moderate language employed by the Secretary of State for Foreign Affairs.

It will be readily supposed that the intelligence, since received, of the President's overtures to Mexico<sup>2</sup> must serve to rebuke, if not to silence, many unfair imputations,—and to throw additional discredit upon the counsels of those who would urge an officious interference.

<sup>1</sup> Despatches, Great Britain, vol. 56. Received September 20.

James McHenry Boyd, of Missouri, the writer of this despatch, was commissioned secretary of legation to Great Britain on June 19, 1846. He acted as chargé d'affaires *ad interim* from August 18 to November 1, 1846.

The omitted portions at the beginning and end of this despatch relate to consular matters, the possibility of the early dissolution of Parliament and other matters not pertinent to this publication.

<sup>2</sup> He presumably refers to the Secretary of State's note to the Mexican Government, dated July 27, 1846, containing the President's overtures for the conclusion of peace, for which see below, vol. VIII, pt. 1, doc. 3257.

## 2852

*James McHenry Boyd, United States Chargé d'Affaires ad interim at London, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 3

LONDON, *September 18, 1846.*

It is perhaps sufficiently apparent upon the very surface of the public news of the day that the impatience here felt for the conclusion of our war with Mexico now proceeds less from dread of political aggrandisement on the part of the United States than from a desire to terminate the Commercial inconveniences of the war. If this view need other confirmation, I may venture to say it is fully sustained by language held in the foreign diplomatic circle at this Court. From high quarters in that circle I derive the opinion that a large acquisition of territory by the United States in the pending war is a result to which this government will not only in the end submit, but which already it fully expects. I am led also in the same quarter to believe that, among European powers generally an ultimate enlargement of the ascendancy of the United States over the provinces of Mexico to an extent, and perhaps in a form, far beyond any designs yet apparent on the part of our government, is contemplated as a sequel equally desirable and inevitable.

Perhaps the present difficulties between England and France in relation to the Montpensier Marriage have already deprived this Country of the only effectual support she could ever have expected in the attempt to extend over the American Continent the European theory of a balance of power.

I remain [etc.].

## 2853

*George Bancroft, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 11

LONDON, *January 4, 1847.*

With reference to our own affairs—the English people are already well aware of the rapid strides of America towards equality in commerce, manufacturing skill, and wealth. They therefore look, with dread, on any series of events which tend to enlarge the sphere of American industry and possessions. It is on this account, that the universal feeling of apprehension is awakened in England, not by one party but by all, in reference to the in-

<sup>1</sup> Despatches, Great Britain, vol. 56. Received October 5.

The omitted portion at the beginning of the document relates to consular affairs and other matters not pertinent to this publication.

<sup>2</sup> Despatches, Great Britain, vol. 57. Received January 26.

The omitted portions at the beginning and end of this despatch relate chiefly to the breach of friendship between the French and British ministries, and to the Irish situation.

crease of American Territory, expected inevitably to ensue from the present war with Mexico. Added to this, the result of the negotiations about Oregon, on which, in America there appears still to be a division of opinion, is here, by all classes, and the Representatives of all nations, felt to have been singularly honorable to America. Yet, however deep may be the anxiety that is awakened, the present policy of the British Ministry and the present wish of the public opinion of England are against active interference in the war between the United States and Mexico.

I have already given as my opinion, that the British Government intends to interfere as little as possible in our affairs with Mexico. This opinion is confirmed by what has been done with regard to the Expedition fitted out by Flores, with money from the old Queen of Spain to make an invasion of Equador. The object of the Expedition, which was fitted out at great cost, and consisted of two Steamers and three Ships of war, was to get possession of a Province where one of the sons of the Queen Dowager of Spain by Muños, was to become King. The Expedition was arrested, and Lord Palmerston avowed on the occasion, his disinclination to meddle with any of the Spanish American republics. The vessels have been seized, and as yet no claimant appears. They stand in the names of the parties from whom they were bought; but those parties having been paid, disavow ownership, and the real owners are not inclined to appear.

There is still another reason for the opinion I have expressed. The stock market in London is a good criterion; for the Bankers and Merchants here are well informed as to what passes in the interior of Mexico, and Lord John Russel, you know, is the representative of the city of London. The Mexican Stock has risen four or five per-cent since the recent news from America; and this, because it is believed that peace will soon be made. This is decisive as to the view taken of events, in this quarter, and as to the firm Conviction of the moneyed interest that no obstacles in the way of a Peace on such terms as America may think proper to accept, will be interposed by England.

This will explain to you the tone of public discussion in the English papers. England is preparing to assent to such increase of our territory as may be a natural result of the war. The angry comments on the policy and message of the President, are but the form in which the consciousness of his ultimate success is expressed by those to whom that success is in the highest degree unpalatable; and who yet are sensible of their own inability to give a different direction to events. The conclusive statement of the grounds of the war by the President, and the acknowledged vigor that pervades his policy, extort respect from the unwilling; and through the clouds of angry words and feelings, public and private, the conviction is constantly becoming deeper and deeper, that it is in vain for European Powers to attempt to arrest or check the prosperity of our Country. I believe, therefore, that the present Ministry will not attempt to give direction to Mexican affairs; although

perhaps, in the event of the cession of the Californias to the United States, some consideration may be asked for such rights as British subjects pretend to have acquired there. But as yet, this Government, as far as has come to my knowledge, has preserved in the whole matter, the most profound silence.

Another cause exists for the great disinclination of England to interfere with Foreign Nations, a disinclination which, in comparison with her past history, must be called extraordinary. That cause is Ireland.

## 2854

*George Bancroft, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 27

LONDON, June 3, 1847.

SIR: I enclose copies of two letters from Lord Palmerston, relating to a Spanish Pirate vessel pretending to be a Mexican privateer. The last, being a volunteer letter, indicates good feeling. The Despatches which are forwarded to you from Spain are so full on the subject that I add no more.<sup>2</sup>

I received the news of the victory at Cerro Gordo on Sunday.

On Monday Morning it was in all the London papers, and the victory and its probable consequences are acknowledged on all hands, in the fullest terms. The prevailing public opinion is fairly represented in the Editorial articles on the subject in the "Times", and in the "Morning Chronicle" of 1 June.

I have already intimated to you why I have cautiously abstained from conversation with the Ministry on the subject of Mexico.<sup>3</sup> Their wishes were no doubt against us; and they would more readily allow things to take their course, without their appearing to notice them, than if their attention was of necessity and officially directed to them. Hence, the wisdom of the President's policy in declining British Mediation, which could not but have led to embarrassments—

It was long expected or hoped that the distance of Mexico, the difficulties in the Commissariat Department, the disputes in Congress, the excessive heats of the climate, the Vomito, would interpose obstacles to American arms. These expectations are all abandoned. Every body now regards American success as inevitable and complete. I have good reason to believe

<sup>1</sup> Despatches, Great Britain, vol. 57. Received June 19.

<sup>2</sup> None of the correspondence mentioned in this paragraph is included in this publication.

<sup>3</sup> He presumably refers to his despatch No. 11, January 4, 1847, above, this part, doc. 2853, or perhaps to the allusion in his despatch No. 25, in which he states that the liberal plan of opening the Mexican ports to English and all neutral commerce had not received approbation from the English, that on the contrary, they had showed a great deal of reserve, and that he believed England was jealous of America. This despatch is not included in this publication, since the portion reviewed above is the only part of it that pertains to inter-American affairs.

that the Premier's mind is becoming familiarized to the idea of our ascendancy throughout the South-west of North America, and that it does not change his purpose of cultivating the most friendly relations with us. Lord Palmerston, too, who in one short year has undertaken to change the succession in Spain, to controul Greece by demanding money which she cannot pay, and now, to interfere in Portugal to repress and subdue the liberal party, has no inclination to increase his altercation with Foreign powers; and does not carry with him in what he has already done, the full voice of the British public that he has best consulted British interests or dignity. I feel safe, therefore, in saying that the Ministry is prepared to see the peace with Mexico made upon almost any terms that our conquests and our own moderation may prescribe.

There are not wanting those—some Representatives of other powers—some of the English people—some even of those connected with the Government—who regard the American ascendancy in Mexico as one of the very greatest events of the age, or even of many centuries. They view it as advancing civilization; they consider it the triumph of intelligence, order, freedom, and superior capacity; and they look upon its results as beneficial to the commerce and the progress of the world. This class of men would feel disappointment, if the war were to be closed without securing anything more than California.

The prevailing opinion among the reflecting men who wish us well, is, that the Federative Government in Mexico has never had a true existence, that it has only been an instrument of Tyranny; that it should now be declared to have ceased to exist. This is the first point. Next, that America should negotiate with the States separately. And lastly, that the right of way to the Pacific by Tehuantepec should be ascertained.<sup>1</sup>

2855

*George Bancroft, United States Minister to Great Britain, to Lord Palmerston, British Secretary of State for Foreign Affairs*<sup>2</sup>

90 EATON SQUARE, October 8, 1847.

MY LORD: In consequence of instructions from the American Government,<sup>3</sup> I called at the Foreign Office a few days ago, to represent to your Lordship the conduct of Captain May, of the British Mail Steamer "Teviot", who, unmindful of his duty as a neutral, and using improperly the extraordinary privileges which the American Government has granted to British

<sup>1</sup> The remaining part of the despatch relates to navigation laws, the dissolution of Parliament, and the appointment of Lord Clarendon, the British Secretary of State for Foreign Affairs, as Lord Lieutenant of Ireland.

<sup>2</sup> Despatches, Great Britain, vol. 57; enclosure with Bancroft to the Secretary of State, No. 49, October 12, 1847, below, this part, doc. 2857.

<sup>3</sup> See instruction No. 17, September 14, 1847, above, this volume, pt. I, doc. 2686.

Mail Steamers ever since the commencement of the present war with Mexico, in the month of August last brought from the Havana to Vera Cruz, General Paredes, late President of Mexico against the United States, and their avowed and embittered enemy.

By the principles of British Law, according to the opinion of Sir William Scott, (6. Robinson's Reports, 430.) Captain May has rendered the "Teviot" liable to confiscation. Or, the President of the United States might effectually prevent similar aid to the enemy by withdrawing from these steamers the privilege of entering the port of Vera Cruz: But I am confident Her Majesty's Government will render such steps unnecessary, by adopting efficient means to prevent, for the future, such violations of their neutrality.

If Captain May or any of his Officers implicated in this serious charge are Officers in the British Service, I feel bound to ask for their dismissal or punishment in such other way as may clearly manifest that the British Government has disapproved their conduct.

I have the honor [etc.].

2856

*Lord Palmerston, British Secretary of State for Foreign Affairs, to George Bancroft, United States Minister to Great Britain*<sup>1</sup>

FOREIGN OFFICE, October 12, 1847.

SIR: I have the honor to acknowledge the receipt of your letter of the 8<sup>th</sup> inst.;<sup>2</sup> stating that you have been instructed by the Government of the United States to complain that Captain May of the British Mail Steamer "Teviot" violated the Belligerent Rights of the United States by bringing the Mexican General Paredes from the Havana to Vera Cruz in the month of August last.

And I have to inform you that I have referred the above complaint to the proper Department of Her Majesty's Government in order that the charge brought against the Captain of the "Teviot" may be officially investigated.

I have the honor [etc.].

2857

*George Bancroft, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>3</sup>

No. 49

LONDON, October 12, 1847.

SIR: I transmit to you, herewith, a copy of a note, which, in conformity to your Instructions N<sup>o</sup> 17, of the 14<sup>th</sup> of September, I addressed to Lord

<sup>1</sup> Despatches, Great Britain, vol. 57; enclosure with Bancroft to the Secretary of State, No. 49, October 12, 1847, below, this part, doc. 2857. <sup>2</sup> Above, this part, doc. 2855.

<sup>3</sup> Despatches, Great Britain, vol. 57. Received November 8.

Palmerston on the 8<sup>th</sup> instant, as well as a copy of his Lordship's reply,<sup>1</sup> received this day.

I am [etc.].

2858

*John F. Crampton, British Chargé d'Affaires ad interim at Washington, to James Buchanan, Secretary of State of the United States*<sup>2</sup>

WASHINGTON, April 30, 1848.

SIR: I have been instructed by Her Majesty's Government to call the attention of the Government of the United States to that part of the 5<sup>th</sup> Article of the Treaty of Peace between the United States and Mexico, signed on the 2<sup>d</sup> of February, by which the Boundary line between the two Republicks is defined as commencing in "the Gulph of Mexico, three leagues from Land opposite the mouth of the Rio Grande."—

As the tenour of this Article appears to Her Majesty's Government to involve an assumption of Jurisdiction on the part of the United States and Mexico, over the Sea, beyond the usual limit of one Marine League (or three geographical miles), which is acknowledged by International Law and Practise as the Extent of Territorial Jurisdiction, over the Sea that washes the Coasts of States,—I have been directed to state to the United States' Government that, in order to prevent future misunderstanding, Her Majesty's Government think it right to declare that they cannot acquiesce in the extent of Maritime Jurisdiction assumed by the United (States)<sup>3</sup> and by Mexico in the Article in question.

I am further instructed to remark that this step is the more necessary on the part of Her Majesty's Government, because the Gulph of Mexico is a great thoroughfare of Maritime Commerce, and is not like a Bay or Creek which can by nature be susceptible of being subjected to Exclusive dominion.

Her Majesty's Chargé d'Affaires in Mexico has been instructed to address a similar declaration to the Mexican Government.

I avail myself of this opportunity [etc.].

<sup>1</sup> For the Secretary of State's instruction No. 17, see above, this volume, pt. I, doc. 2686, and for Bancroft's note to Palmerston, and the reply dated October 12, see above, this part, docs. 2855 and 2856.

<sup>2</sup> Notes from Great Britain, vol. 25. Received May 1.

<sup>3</sup> The word "States" was written in pencil and enclosed in parentheses.

2859

*John F. Crampton, British Chargé d'Affaires ad-interim at Washington, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, June 29, 1848.

SIR: With reference to our late conversation, I have the honour to inclose herewith an extract from a dispatch to Viscount Palmerston from M<sup>r</sup> Belford Wilson, Her Majesty's Chargé d'Affaires to Venezuela,<sup>2</sup> containing a recital of the account which was given to him by Monsieur Acevedo, the Venezuelan Minister for Foreign Affairs, of what M<sup>r</sup> Shiels [Shields], the United States' Chargé d'affaires, said to him with respect to the conduct of her Majesty's Government in regard to the late war between the United States and Mexico, and the supposed designs of England against the Independence and Prosperity of the Spanish American States.

I have been instructed in making this communication to express the surprise of Her Majesty's Government that M<sup>r</sup> Shields should have thus made to the Government of another country charges against the British Government, which M<sup>r</sup> Shields, if he knew anything whatever of the matters he was talking about, must have known to be not only utterly and entirely void of any Foundation whatever, but to be the very reverse of the Truth.

I avail myself [etc.].

2860

*George Bancroft, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 101

LONDON, November 17, 1848.

SIR: Your No. 41 & its enclosure<sup>4</sup> are received. I shall cultivate the acquaintance of the Peruvian minister on his arrival, and explain to him as well as I can the influences which will sway this government in its decision on the very important political & territorial question to which you refer.

<sup>1</sup> Notes from Great Britain, vol. 25. Received July 1.

<sup>2</sup> Not included in this publication, since the portion of it pertinent to this publication is fully quoted in the Secretary of State's instruction No. 26 to Shields, dated August 7, 1848, below in the volume and part containing Communications to Venezuela. See also Shields's reply, despatch No. 68, September 7, 1848, and its enclosures, below, in the volume and part containing Communications from Venezuela.

<sup>3</sup> Despatches, Great Britain, vol. 58. Received December 8.

The omitted portion at the end relates to imprisoned citizens of the United States in Ireland, and also to a postal treaty.

<sup>4</sup> Above, this volume, pt. 1, October 23, 1848, doc. 2688; and see note 4 thereto, concerning the enclosure.



2861

*George Bancroft, United States Minister to Great Britain, to James Buchanan,  
Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 112

LONDON, January 12, 1849.

Your Dispatch N<sup>o</sup> 41,<sup>2</sup> directed my attention to M<sup>r</sup> Joaquin de Osma, in connection with the affairs of Nicaragua.<sup>3</sup> That gentleman expressed himself to me as unwilling to have his name used in any way in any conversation on the affairs of Central America.

The subject is however again brought to my attention by the arrival of M<sup>r</sup> Francisco Castellan [Castellón] as Chargé d'Affaires of Nicaragua near the British Government, and of M<sup>r</sup> J. de Marcoleta Chargé d'Affaires of the same Republic in Belgium. They are come to settle the affair of S<sup>t</sup> Juan de Nicaragua, with this Government; and are naturally very solicitous of friendly relations with our Government. I think it proper to state to you my opinion, that Lord Palmerston will not recede. I have, of course, taken no part, except to receive from them such information as they have to offer. They will send me some answers to the inquiries you proposed to M<sup>r</sup> Hise, of which you sent me a Copy<sup>4</sup> with your N<sup>o</sup> 41. These will be forwarded to you as soon as received. They will also communicate to me as one of the Diplomatic Corps, the note which they are preparing to Lord Palmerston, setting forth their rights to San Juan. Meantime you will find the British side of the question very fully set forth in the printed Correspondence respecting the Mosquito territory, which accompanies this Dispatch.<sup>5</sup> I am told also by the Agents of Nicaragua here, that their country is represented at Washington.

<sup>1</sup> Despatches, Great Britain, vol. 59. Received February 1.

The omitted portions at the beginning and end of this despatch relate to Irish and French affairs and other matters not pertinent to this publication.

<sup>2</sup> Above, this volume, pt. I, October 23, 1848, doc. 2688.

<sup>3</sup> It relates to the affairs of Costa Rica.

<sup>4</sup> Presumably an extract from instruction No. 1 to Hise was sent to Bancroft. This instruction is above, vol. III, June 3, 1848, doc. 745.

<sup>5</sup> Not found.

2862

*George Bancroft, United States Minister to Great Britain, to James Buchanan, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 118

PARIS, February 7, 1849.

P: S: I enclose a copy of a Note<sup>2</sup> by which you will perceive that Belgium has undertaken a mediating office between England and Nicaragua— Our good wishes and influence are very naturally much desired by the representative of the latter power.

2863

*George Bancroft, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 123

LONDON, March 9, 1849.

The public mind in England is rapidly coming to the conclusion that this Kingdom has too many Colonies: that by their excessive number they are burdensome. The opinion is spreading that the Canadas must be independent; and if they could exist separately from us, and as our rival, the number of friends to their emancipation would increase.

Yet, with all this tendency to new and more liberal measures, Great Britain often follows her old traditions of a policy of aggrandizement. As in the Mediterranean Gibraltar, Malta, and the Ionian Isles form her Military Stations, so she flanks us by a strong fortress at Halifax, seeks to overawe us by another at Bermuda, and now as we are gaining greatness in the Pacific, under pretence of protecting the Mosquito Tribe of Indians she has seized the

<sup>1</sup> Despatches, Great Britain, vol. 59. Received February 26.

The entire body of this despatch relates to postal affairs.

<sup>2</sup> This note, dated January 11, 1849, follows:

*M. de Hoffschmidt, Belgian Minister of Foreign Affairs, to José de Marcoleta, Nicaraguan Chargé d'Affairs at Brussels*

[TRANSLATION]

BRUSSELS, January 11, 1849.

MR. CHARGÉ D'AFFAIRES: I have the honor to inform you, in reply to your last communication, that the King, my august Sovereign, gladly agrees to act as mediator between the states of Nicaragua and Honduras and Great Britain for the adjustment of the difficulties which have recently arisen. You are hereby authorized, Mr. Chargé d'Affaires, to put yourself directly in touch with the private cabinet of His Majesty.

Please accept [etc.].

<sup>3</sup> Despatches, Great Britain, vol. 59. Received March 27.

The omitted portions at the beginning and end of this despatch relate to navigation laws and postal affairs.

key to the passage to the Pacific by the Lake of Nicaragua, and has changed the name of the Town of St Juan de Nicaragua to Grey Town.

This subject is important, because the route to the Pacific which that town commands, is here esteemed the best of all. The representative of Nicaragua who is here, is in great perplexity; and may well be in doubt what to do. The opinion in France is, I believe, adverse to the wholesale encroachments of England: but France is too busy at home to think much of Central America. The Nicaragua Minister would very gladly seek advice from the United States. I have always made answer to him that I am not authorized by my Government to give him advice: that I can only communicate to the American Government whatever facts he may desire to make known to it. My Instructions warrant not much more.

I have seen the Agent or Minister from Costa Rica. He made on me a very favorable impression. He was educated in the United States. His State has a boundary strife with Nicaragua; but he assured me it was not his intention to place Costa Rica under the protection of Great Britain. At the same time, he does not join with Nicaragua in claiming St Juan for that Province. Instead of it, he keeps aloof and awaits the result.

The Peruvian Minister still more, keeps entirely aloof from the strife. I annex a copy of a note to me from M<sup>r</sup> Castellan [Castellón], the Nicaragua Minister here, and a copy of a Note of Lord Palmerston to M<sup>r</sup> Castellan of February 17.<sup>1</sup> That note of Lord Palmerston is not to be taken as an adventurous act of his Lordship alone. On the contrary, Lord Aberdeen was quite as much bent on the end which Lord Palmerston appears to aim at.

<sup>1</sup> These two notes follow, chronologically:

*Lord Palmerston, British Secretary of State for Foreign Affairs, to Francisco de Castellón,  
Nicaraguan Agent to Great Britain*

LONDON, February 17, 1849.

SIR: I have the honor to acknowledge the receipt of your letter of the 9<sup>th</sup> instant [Not included in this publication.—Ed.], inclosing copies of two letters which the Government of the State of Nicaragua has addressed to the Governor of Grey Town in the Kingdom of Mosquito, and stating that you are instructed by your Government to request that the authorities of Grey Town may be desired to make no alteration in the state of affairs there until the question respecting that town is definitively arranged.

And I have to state to you, in reply, that Her Majesty's Government are desirous of cultivating the most friendly relations with the State of Nicaragua, but that Her Majesty's Government cannot do any thing which can be interpreted as admitting any doubt that Grey Town belongs exclusively to the Mosquito Territory.

I have the honor [etc.].

*Francisco de Castellón, Nicaraguan Agent to Great Britain, to George Bancroft, United  
States Minister to Great Britain*

LONDON, February 28, 1849.

MY DEAR SIR: Last evening I called at your house with the intention of greeting you and informing you of the state of affairs in Nicaragua at this time. Unfortunately, you were not at home when I arrived there, and therefore I did not accomplish my purpose.

However, I handed to the servant, who was at the door, three copies which I had brought for you: namely, one of the protest which I addressed on September 25, 1844, to the Ministers of Foreign Affairs of several powers of Europe and America [That ad-

## 2864

*George Bancroft, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>1</sup>

No. 127

LONDON, March 31, 1849.

SIR: With My N<sup>o</sup> 123, of the 9<sup>th</sup> of March, I sent you a Copy of Lord Palmerston's note of the 17<sup>th</sup> of February last, to M<sup>r</sup> Castellan [Castellón] the Chargé d'Affaires of Nicaragua at this Court.<sup>2</sup>

To day, I enclose copies of various papers which the representative of Nicaragua has addressed to this Government,<sup>3</sup> and which were communicated to me to be forwarded to the Department.

The importance of the subject is increased by the fact that San Juan de Nicaragua is one of the best harbors in the Carribean Sea, and commands one of the great lines of Communication between the Atlantic and the Pacific.

I am [etc.].

## 2865

*George Bancroft, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>4</sup>

No. 135

LONDON, May 30, 1849.

SIR: Your Dispatches to N<sup>o</sup> 57, have been received, particularly those very important ones numbered 54, 55, and 57; <sup>5</sup>—though that of the 30<sup>th</sup> of April was a little out of time, having only been received yesterday.

The Documents you desire <sup>6</sup> will be sent by the Steamer of Saturday next.

dressed to the Secretary of State was dated September 29, 1844, and is above, vol. III, doc. 842.—Ed.], at the time of the occupation of Bluefields by British officers—another a copy of the claim which I myself addressed to Lord Palmerston [Not pertinent to this publication.—Ed.] relative to the Mosquitos question; and the third, that of the reply which Lord Palmerston [Above, in this footnote.—Ed.] made to a letter in which I requested him to direct the English officers residing at San Juan de Nicaragua not to make any change in the administration of that port until the question is settled by an arrangement which is now the subject of our conferences.

I request that you kindly read these three documents and tell me in all confidence your opinion as to these matters.

While awaiting a reply, I take pleasure in renewing [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 59. Received April 21.

<sup>2</sup> See above, this part, p. 298, note 1.

<sup>3</sup> The first of these enclosures was a circular, dated September 25, 1844, which the Nicaraguan agent to Great Britain addressed also to the Ministers of Foreign Affairs of several European powers and to the Secretary of State of the United States. For the content of it, see the copy sent to the Secretary of State, dated September 29, 1844, above, vol. III, doc. 842. The second and third enclosures, dated January 20 and March 5, 1849, are not included in this publication, but the fourth enclosure, dated March 19, 1849, is above, vol. III, p. 492, note 3.

<sup>4</sup> Despatches, Great Britain, vol. 59. Received June 19.

<sup>5</sup> See above, this volume, pt. I, dated, respectively, April 30, May 2, and May 14, 1849, docs. 2689, 2690, and 2691.

<sup>6</sup> He presumably refers to the correspondence mentioned in instruction No. 57, which is not included in this publication.

The Minister of Nicaragua M<sup>r</sup> Castellan [Castellón] is at this moment in Italy. So too, is M. Marcoleta, the able representative of Nicaragua at Brussels and Paris. Lord Palmerston has sent to that Legation another letter which is described to me as very short and decided, renewing in the very same words the view contained in that of 17 February last, of which I forwarded you a copy with my N<sup>o</sup> 123.<sup>1</sup> I cannot easily get a copy of the new note 'till M<sup>r</sup> Castellan returns.

I have seen the Minister of Costa-Rica whom I know very well, and have questioned him very minutely as to the state of the relations of Costa Rica with Great Britain. He has renewed to me the assurance that that relation is at present one generally of friendship, and nothing more. I could see, however, the reserved purpose of invoking the protection of Great Britain, in case Nicaragua should make a war on Costa-Rica. You know they have a strife about boundaries; which I have always advised them to settle. The Costa Rica Minister assured me that he has full powers from his Government to come to a settlement; but neither M<sup>r</sup> Castellan nor M<sup>r</sup> Marcoleta have such full powers. I have endeavored to ascertain the nature of the dispute, and find that a part of the claim of Costa Rica rests on nothing historical, but only on the convenience of the natural boundary of the River San Juan. If your Diplomatic Agent in Central America could induce the several provinces to come to an understanding about their respective boundaries, a great point would be gained. I anticipate no difficulty in inducing the Minister of Costa Rica at London to give time for such an effort.

There exists also a Treaty of Commerce and Navigation as yet unratified, between Nicaragua and Belgium. The King of the Belgians was also invited to be interested in the establishing of a colony in Nicaragua, but his intervention was claimed as the condition of the grant of Lands; and naturally the King of the Belgians would not undertake the protection of Nicaragua against the encroachments of Great Britain.

But the grave subject for discussion is with Great Britain, in reference to its intrusion into Central America as the protector of the so called King of the Mosquitos. On this subject I could have no better guide than your Dispatch of the Second of May,<sup>2</sup> which, from its clearness and precision, its firmness and its manifest desire to come to a just understanding with Great Britain on this subject in a friendly way, leaves nothing to be desired. You may assure the President, that in my conversations with Lord Palmerston and with such other members and supporters of this Government as it may be proper to speak with, I shall govern myself exactly by the Instructions which you have communicated; and I shall do so with the more cheerfulness, as those instructions correspond with my own views of the duty of our Country on this occasion. They are so founded in justice and moderation, that, if they are

<sup>1</sup> See above, this part, March 9, 1849, doc. 2863, and note 1 thereto.

<sup>2</sup> No. 55, above, this volume, pt. 1, doc. 2690.

consistently and inflexibly adhered to, the President may be sure of not coming in conflict with the judgment or the interests of the impartial in England; while he will have the good wishes of all other Maritime Powers on his side. It may however, in any event, be best for me to prepare and present "the protest or remonstrance" to which you refer. The conversations which you so properly instruct me previously to hold, can only smooth the way for that paper, so that it may not come upon the ministry suddenly; but unless the views of the American Government are ultimately communicated to the British Government in writing, they will not have the weight or the formality which the President desires. A protest after all, is but a solemn declaration of opinion; and that declaration need not, of itself, assume the existence of an antagonist opinion.

Lord Palmerston is gone out of town for the Witsuntide Holidays; on his return I will enter upon this business, of the importance of which I am fully aware.

I am [etc.].

P. S.

June 1, 1849.

M<sup>r</sup> Wheelwright, of the British Company of Steamers on the Pacific, made an arrangement with M<sup>r</sup> Castellán [Castellón] on the 16<sup>th</sup> of February 1849, to send a Company of Engineers, then at Lima or Valparaiso, to make a survey of the River, Lake, and isthmus of Nicaragua. The contract contained a conditional grant of the exclusive right to construct a Railway or Canal connecting the two oceans. M<sup>r</sup> Wheelwright left England on the 17<sup>th</sup> of February, for Nicaragua, to obtain the ratification of this contract by the Government of Nicaragua.

On M<sup>r</sup> Castellán's return I will try to send you a copy of the contract.

2866

*John F. Crampton, British Chargé d'Affaires ad interim at Washington, to  
John M. Clayton, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, June 8, 1849.

MY DEAR SIR: M<sup>r</sup> Chatfield, H. M's Chargé d'affaires at Guatemala, has suggested to me that it might be advisable to communicate to the United States Government, for their information, some circumstances relative to a contract which, he informs me, has been entered into between an American Steam Boat Company (that of M<sup>r</sup> Aspinwall, as M<sup>r</sup> Chatfield believes) and the Government of Nicaragua, for the navigation of the River S<sup>a</sup> Juan, and for making a road across the Isthmus from the Lake of Managua to Realejo.

The Company, it appears, is to have the privilege of maintaining four

<sup>1</sup> Notes from Great Britain, vol. 26. Received June 9.

Custom Houses,—the Contract is to last for 40 years, and the State of Niceragua is to receive one tenth of the Profits.

M<sup>r</sup> Chatfield calls my attention to the fact that all the Revenues of Niceragua, especially that arising from the "Alcabalo Maritima" or Custom House, are specially mortgaged for the payment of the Foreign debt of that State, and he states it to be his intention, therefore, to make a representation to the Gov<sup>t</sup> of Niceragua on this subject; it is principally on this account that he is of opinion that it would be expedient that I should inform the United States Government of the present state of the matter, in order that the New York Company may be apprized of the difficulty which they will have to meet.

Although I am aware that the Company in question has no sort of connection with the United States Government, I have thought that the interest which you have at various times expressed to me, in conversation, regarding the various plans for effecting by canal or railroad a passage, across the Isthmus, would render the information now conveyed to me by M<sup>r</sup> Chatfield, should you not be in possession of it from other sources, not unworthy of your attention.

The safest plan which, in M<sup>r</sup> Chatfield's opinion the Company could adopt would be to pay off the Bond holder's claim, the principal of which is only £27,216. .13<sup>s</sup>. .4<sup>d</sup> with arrears of interest thereon at 6 percent from the 1<sup>st</sup> of February 1828. There is also a small sum amounting to about £5000, due to the House of Reid Irving and Co of London, for the payment of dividends upon the debt in 1826 and 1827. I annex for your information an Extract of the Contract by which the Guatemalan loan was raised in London in 1825, and M<sup>r</sup> Chatfield recommends that if the American Steam boat Company desires to make an arrangement of the Share of the Central American Foreign debt for which Niceragua is responsible, it should address itself to Messrs Finlay Hodgson & Co in London, with whom the Company might either agree to pay off the Capital and interest overdue, or to capitalize the latter, and pay half yearly the interest on the original debt and on the new debt created by the deferred interest.

Believe me [etc.].

2867

*George Bancroft, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>1</sup>

LONDON, June 29, 1849.

SIR: With reference to your letter, *in Cipher*, of the 4<sup>th</sup> of this month,<sup>2</sup> I think you may safely assume that it is no part of British policy to increase their possessions in the West India Islands.

<sup>1</sup> Despatches, Great Britain, vol. 59. Received July 17.

This despatch had no serial number.

<sup>2</sup> The decoded text is above, this volume, pt. 1, doc. 2692.

Having abrogated slavery, and having also abrogated the differential duty in favor of sugar produced by free labor, the British Government cares very little for new acquisitions in that quarter; and if it could make them, would not know what to do with them. In a particular manner, any attempt to appropriate a part of St Domingo would arouse the jealousy, and excite the indignation of the French. Still more—the House of Commons, which makes, and unmakes, and controls Ministries, would not approve any such encroachment. A just sentiment that we should be made discontented by the alleged design, would weigh greatly with the Ministry; for be assured, American diplomacy, if conducted with a knowledge of the nature of this Government, with firmness, and with care to avoid wounding national pride, has great influence in its deliberations. These are my views. I have made inquiries among those likely to be well informed, and find them confirmed. I shall however, not neglect further investigation.

The Mosquito affair is of much more importance; and yet there I am sure we shall succeed, if we proceed rightly. I have already talked on the subject with several of the Ministers, and have asked of Lord Palmerston an interview. He is in no haste to converse about Nicaragua, partly because he is at work night and day, preparing for publication an immense mass of papers on the affairs of Northern Italy; and for that end shuns every interruption. The Minister of Nicaragua has returned to London, and assures me he will remain firm.

I am [etc.].

2868

*George Bancroft, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>1</sup>

No. 143

LONDON, August, 1849.

SIR: Believing that the time had now arrived when it became proper on the part of the President of the United States to present his views to the British Gov't on the subject of its occupation of the Port of San Juan de Nicaragua, I was engaged in finishing the paper when I received your letter of recall. Sensible of the confidence reposed in me by your despatch N<sup>o</sup> 55 and its enclosures,<sup>2</sup> I yet deem it now not proper to present the paper which I had prepared after much consideration; and I now confine myself to a concise report of the present state of the business.

During the debates in the House of Commons on the miscellaneous estimates an appropriation for a charge growing out of the crowning at Jamaica of the so-called King of the Mosquitos was asked for, and voted amidst

<sup>1</sup> Despatches, Great Britain, vol. 59. Received September 23.

The day of the month was omitted in the date line of this despatch.

<sup>2</sup> See above, this volume, pt. 1, May 2, 1849, doc. 2690, and concerning the enclosures, see notes 1 and 2, p. 34, and note 1, p. 36.



laughter. When a member seriously objected that this might give umbrage to the United States, the House perceived that one which merited serious consideration.

Your directions to me were to proceed in the first instance by *co.* I have done so, governing myself, by the language and spirit of my patch. Lord Palmerston was not inclined to a conversation with me on the subject of Central America; but sought rather to keep the United States at distance on the question, and to bring the powers of Central America to immediate or early acquiescence in his arrangements. Nevertheless I obtained an interview, though not till after repeated solicitations. To a direct question, if the British Government designed to appropriate to its Territory he answered emphatically—"No—You know very well we have already colonies enough." The remark was just. The masses of the British Colonies are becoming relatively too weighty for the Central Government: British Statesmen perceive it: and one evening, when the ownership of Vancouver's Island was the subject of debate, in the House of Commons, the House was counted out, so indifferent were the members to the whole question.

I could not but proceed and ask Lord Palmerston, in whose hands is San Juan de Nicaragua at this time? He replied—"For the present in those of English Commissioners." Is not this then, I said, an occupation by England? His answer was "Yes: but this occupation is temporary."

Having your despatch in my hand, I very concisely gave him reasons on which the opinion rests, that there is no such body politic as the Kingdom of the Mosquitos, that if there were its jurisdiction does not reach to the river San Juan, and even if it did, that no right of exercising a protectorate belongs to Great Britain.

Without entering into any argument he replied, that Costa Rica might claim San Juan as well as Nicaragua. And he did not in the last disguise his strong disinclination to restore the Port: insisting, however, that any purposes the United States might have in reference to connecting the two Oceans by a commercial highway would be better promoted by the policy which he is pursuing, than in any other way. And in reference to the whole subject his words were, "You and we can have but one interest."

The interview was very short, and came to an end abruptly, as he was summoned to a cabinet meeting; and he has shown no desire to renew it.

The next day I asked the Minister of Costa Rica, if his Country had ever claimed the Port of San Juan. He said never; it claimed only the southern bank of the river. The Port of San Juan had always belonged to the Province or State of Nicaragua.

While Lord Palmerston did not invite me to renew the subject with him, I had a long interview with Mr Castellon and Mr Marcoleta, conversing with

them for two hours in Spanish, which language he speaks extremely well. The substance of his remarks to them was, that England desires to cultivate friendly relations with Nicaragua, but at the same time is determined not to restore the Port of San Juan.

Mr Castellón, on the eve of his departure for his Country, addressed me a note insinuating the idea of the annexation of Nicaragua to the United States.<sup>1</sup> Scrupulous not to involve the administration of the President, I

<sup>1</sup> The note of the Nicaraguan agent to Great Britain, to Bancroft, dated July 12, and the latter's reply, dated July 14, 1849, follow:

*Francisco Castellón, Nicaraguan Agent to Great Britain, to George Bancroft, United States Minister to Great Britain*

LONDON, July 12, 1849.

Your Excellency knows as well as I do, the difficulties now existing between Nicaragua and Great Britain respecting the Port of San Juan and Mosquito Territory, occupied by force on the 1<sup>st</sup> of January 1848. Your Excellency knows too, that the State of Costa Rica having also a question with Nicaragua as to the limits of the two States, has accredited a Minister Plenipotentiary to H. B. M.'s Government with the object of making certain political and commercial arrangements; and that by way of inducement has offered to cede, as he has really ceded by a Treaty the Territory in question, which extends along the southern banks of the San Juan River; from its mouth in the Atlantic to the great Lake of Nicaragua; a cession which, it appears, is made as a compensation for the advantages that Great Britain will grant to the Costa Rica trade through the aforesaid Port of San Juan, which of course is recognized by that State as belonging to [the?] Mosquitos. By this act that Port will remain in the possession of England, as well as a great part of that important Territory which the hand of Providence designated as the fit point for the junction of the two oceans by a canal or railway. Lastly, your Excellency has seen the obstinacy with which H. E. Lord Palmerston disregards the friendly measures I have proposed to settle the differences, and his constant disposition to trouble and hostileize Nicaragua, not only by refusing to do justice to her claims, but also by being always making scandalous advances without respecting the rights of the State and the rules established by nature to preserve order and peace amongst nations.

This is done so because the British Government knows the weakness of Nicaragua, and the difficulty she has to ally herself with the other States, where the intrigues of the British Agents exercise such a fatal influence, and have suggested them the ideas of converting into Republics States that cannot exist without union and mutual support. This situation which unfortunately is too manifest not to confess it frankly, has induced me to adopt the project of annexation of the States of Nicaragua San Salvador and Honduras to the United States' Confederation, and we wish to work for its realization; therefore I take the liberty of putting confidentially to Y. E. the following questions:

1<sup>st</sup>. Will the States of Honduras, San Salvador and Nicaragua, or this last one only, be admitted into the North American Union?

2<sup>d</sup>. In case they are admitted, what steps must be taken, and upon what conditions?

3<sup>d</sup>. In case they are not admitted, can they at least count on the support of Y. Excellency's Government to defend the integrity of their territory and to oppose the cession the Mosquitos and Costa Rica wish to make to England? What are the auxiliations they can offer to Nicaragua, and upon what Conditions?

Being at the point of departing for Nicaragua, I wish to take these questions solved with me, to serve as a rule to my Government for the Instructions to be given to the Minister who is to be sent near the Government of the United States; [it?] is for that reason that I beg of Y. Exc<sup>o</sup> an answer which being confidentially [sic] will remain strictly reserved.

I have the honour [etc.].

*George Bancroft, United States Minister to Great Britain, to Francisco Castellón, Nicaraguan Agent to Great Britain*

LONDON, July 14, 1849.

SIR: I have had the honor of receiving your Note of the 12<sup>th</sup> of July [Above, in this footnote.—Ed.], proposing to me questions of very grave import.

could have wished the letter had been addressed to Washington: but I thought an instant answer essential: and I therefore sent him on the 14<sup>th</sup> of July a note of which I enclose a copy. I trust it will seem to you precisely such as you could have wished, and would have directed, had there been time to consult you.

On the 16<sup>th</sup> of July Lord Palmerston addressed a formal note to Mr Castellon, who had already left England, containing an elaborate argument against the right of Nicaragua to the Port of San Juan. I obtained a copy of this important Note a few days ago, and I now send it [to] you.<sup>1</sup>

Meantime Lord Palmerston invited Mr Marcoleta to an interview with him, and, I am told, proposed a general settlement of all questions between the so called Mosquito Gov't, Costa Rica, and Nicaragua. To this, I understand the agent of Nicaragua replied, that he could not recognise

In reply, I beg leave to say that the United States in their policy towards Central America, have no selfish purpose, and no reserved ambition of territorial aggrandisement. We seek to promote by our friendship, the independence, prosperity, union, and territorial rights of the several States of Central America. We wish for ourselves, from friendly and commercial intercourse with you, no benefits but what maybe shared on equal terms, by all the Maritime Nations in the World. We share your desire to see the Port San Juan de Nicaragua restored to Nicaragua, of which State it forms a part: and to see your harbors, rivers and lakes formed into a safe channel of commerce between the two Oceans. To this end we are using and shall use what influence we may possess with other Powers.

The recovery of the Port of San Juan de Nicaragua can be best promoted by the policy to be pursued by Central America itself. The intervention of the United States in your behalf has been delayed by the unhappy dissensions which have existed among the States of Central America itself. Compared with the great maritime powers of the world, you are weak. The security of your rights rests, therefore, more on the principles of justice than on physical strength. You need the sympathy and esteem of the civilised world.

Two things, become, in consequence, of the utmost importance, in order that you may win that sympathy, and enjoy the security that will spring from the possession of it. The one relates to differences with other States of Central America about territory. I cannot but exhort you to settle among yourselves, if it be possible, the disputes about boundaries which still exist among you. These disputes tend to foment discord, perpetuate disunion, and invite foreign interference. I cannot but urge you, if possible, to adjust these difficulties among yourselves at once, by negotiation, if it be possible, if not, by arbitration.

The next point relates to the use of the River and Port of San Juan de Nicaragua, if restored to you. It is plain that Costa Rica must then conduct its foreign commerce, both of imports and exports, in a great measure through the ports of Nicaragua. The United States allow Canada to conduct its imports and exports through New York, or any other United States Port, without paying any duty whatever. I cannot but think that the position of Costa Rica, which now operates so much to the detriment of Nicaragua, would be materially changed, if that State could see itself assured of the enjoyment of this privilege.

The good will of the nations of Europe and America would also be attracted to you, if they could receive the assurance that in all time to come the great inter-oceanic highway through Nicaragua will be open to the transit commerce of all the world free of all impost for the benefit of the Treasury of Nicaragua.

I repeat to you: The United States wish to see the States of Central America independent and prosperous. If you can be in a state of concord among yourselves, and can be free from foreign intervention, you will, by self reliance, and the development of your own resources, attain to an enviable position among the nations of the earth.

I have the honor [etc.].

<sup>1</sup> See it above, vol. III, p. 370, note 1.

the Kingdom of The Mosquitos, and of a consequence could not treat with it.

The Nicaragua Minister now proposes arbitration. Should this be refused, Nicaragua must submit unless it can rely on the prompt exertion of the influence of the United States.

This, I believe, is all I need say on the subject. Were I to add any suggestion, it would be, that greater difficulties await you in bringing the States of Central America to reasonable and harmonious views, and a friendly Union, than need be apprehended here, if such Union existed.

Copies are annexed of various letters and documents pertaining to this subject.<sup>1</sup>

I am [etc.].

2869

*William C. Rives, United States Minister to France, to John M. Clayton,  
Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

CHESTER, September 6, 1849.

MY DEAR SIR: We landed at Liverpool on Monday the 3<sup>rd</sup> instant at noon, just twelve days after we left the port of New-York. My family were such bad sailors & suffered so much by sea-sickness, that we remained two days at Liverpool to recruit. We came down here yesterday on our way to London.<sup>3</sup> . . .

I have been looking with interest into such of the English papers as have come into my hands, to see if any public & general feeling has yet been excited here in regard to the Nicaragua question. One or two extracts from the London Post have fallen under my notice shewing a systematic purpose to arouse a national feeling on the subject of attributing to the American government grasping views of monopoly & exclusion in regard to all the channels of intercourse with the Pacific across the Isthmus & through Central America. Whether the *cue* has been followed by any of the other leading political Journals I have not yet been able to ascertain. On my arrival in London, I shall be able to inform you, as well as to communicate to you

<sup>1</sup> Those included in this publication are: A note from the British Secretary of State for Foreign Affairs to the Nicaraguan Agent to Great Britain, dated February 17, 1849, above, this part, p. 298, note 1; the latter's reply, dated March 19, 1849, above, vol. III, p. 492, note 3; the note of the Nicaraguan Agent to Great Britain to Bancroft, dated July 12, and the latter's reply, dated July 14, 1849, above, this part, both in note 1, p. 305; and the note of the British Secretary of State for Foreign Affairs to the Nicaraguan Agent to Great Britain, dated July 16, 1849, above, vol. III, p. 370, note 1.

<sup>2</sup> Despatches, France, vol. 32. The receipt date was not indicated.

Mr. Rives, the writer of this and several subsequent despatches, was instructed to have an interview with the British Secretary of State for Foreign Affairs, relative to the Mosquito territory, before proceeding to Paris as minister of the United States to France. See instruction No. 2 to Rives, August 16, 1849, above, this volume, pt. 1, doc. 2694.

<sup>3</sup> The omitted portion relates to European political affairs.

something of the temper of the government itself. The Steamer of the 29<sup>th</sup> ult. will arrive in a day or two, & bring me a copy, I hope, of your Instructions to Mr. Squier.<sup>1</sup>—

I remain [etc.].

2870

*William C. Rives, United States Minister to France, to John M. Clayton, Secretary of State of the United States*<sup>2</sup>

No. 1

LONDON, September 14, 1849.

SIR: On my arrival in London six days ago, I repaired immediately to the office of the Legation to see in what state Mr. Bancroft had left the Nicaragua & Mosquito question, & how far it would be proper for me, under your Instructions of the 16<sup>th</sup> ult.,<sup>3</sup> to seek an interview with Lord Palmerston on the subject.—

After reading carefully Mr. Bancroft's despatch to you, no. 143,<sup>4</sup> I came to the conclusion that in the only interview he appears to have held with Lord Palmerston in relation to this question, & that a very short one, he had confined himself mainly to eliciting & ascertaining, as far as he could, the views of the British Government, without presenting in any detail or enforcing with any emphasis those of the government of the United States. An important part of the duty assigned to Mr. Bancroft & which I was instructed to perform if it should remain unexecuted by him, appearing thus not to have been fulfilled before his departure from London, I felt that it was incumbent upon me, under your Instructions, to take the necessary steps, for obtaining an interview with Lord Palmerston, with as little delay as possible. I requested Mr. Davis to call at the Foreign office & ascertain if His Lordship was in town, & if not, when he would return. The answer was that he had been absent about a week, and was expected daily to return. I shall endeavour to see him at the earliest possible moment after his return, & shall not fail to present to him fully & frankly the views & feelings of the Government of the United States on the whole subject.—

I enclose herewith the extracts from the Morning Post referred to in the private letter I wrote you, on my way to London.<sup>5</sup> Tho' that Journal is in no relation of confidence or political connection with the Ministry, it probably speaks the general feeling here, & by consequence the temper of the Government, in regard to the importance of securing the communication by the River S<sup>a</sup> Juan with the Pacific. There is one disclosure made by it

<sup>1</sup> He presumably refers to instruction No. 1 to Squier, dated May 1, 1849, above, vol. III, doc. 747.

<sup>2</sup> Despatches, France, vol. 32. Received September 29.

<sup>3</sup> Above, this volume, pt. I, doc. 2694.

<sup>4</sup> Above, this part, August 1849, doc. 2868. The day of the month of that despatch was omitted.

<sup>5</sup> The extracts were not found, but his private letter, dated Chester, September 6, 1849, is above, this part, doc. 2869.

which, if the fact mentioned by Mr. Castellon in his letter to Mr. Bancroft of the 12<sup>th</sup> of July last <sup>1</sup> of the cession to England of the Costa Rican Territory on the south side of the S<sup>a</sup> Juan be true, cannot fail to fix attention still more earnestly on the views & objects of the British Government. The circumstance I allude to is the indication of a practicable & convenient communication with the Pacific by the Sarapiqui River, one of the tributaries of the S<sup>a</sup> Juan included wholly in the Costa Rican Territory, and thence by a land route, passing by San José, (the capital of the Republic of Costa Rica), to Punta Arenas on the Pacific, also within the limits of Costa Rica.—

It is to be remarked that the Sarapiqui River unites with the S<sup>a</sup> Juan on the south side just below the point where the alleged Mosquito boundary comes to it on the north, so that, if the suggested communication be both practicable & convenient as is stated, it would be in the power of the British Government, by means of the so called *Mosquito title* on the North Bank of the S<sup>a</sup> Juan as high up as the mouth of the Sarapiqui river, & of the Costa Rican cession on the south, to obtain the exclusive controul of the whole line of the proposed communication from the Port of the San Juan on the Atlantic to the Punta Arenas on the Pacific, without touching any where the territory which *they admit* to belong to Nicaragua.—

Whether the British Government really entertain views of this character, which could not fail to arouse the jealousy & united opposition of all the other commercial powers of the world, or whether it aims simply, by measures of precaution, to prevent the monopoly & exclusive controul of the Nicaragua *Lake* route by others, remains to be seen. If the latter be it's sole object, they will see, when the enlarged & catholic views of the United States, contemplating a common highway for the free & equal enjoyment of all nations, come to be understood, that they have no cause of distrust towards us. In the mean time, the alleged acquisition by England of the Costa Rican territory on the south side of the S<sup>a</sup> Juan cannot fail to suggest new motives for vigilance & precaution on our part.—

I have the honor [etc.].

2871

*William C. Rives, United States Minister to France, to John M. Clayton,  
Secretary of State of the United States* <sup>2</sup>

No. 2

LONDON, September 21, 1849.

SIR: Lord Palmerston not having returned to town & seeing it stated in some of the City news-papers that his visit to the country would be yet further prolonged, I called the day before yesterday at the Foreign Office to see Mr. Addington, the Under-Secretary of State for foreign affairs, whom I

<sup>1</sup> Above, this part, p. 305, note 1.

<sup>2</sup> Despatches, France, vol. 32. Received October 5.

had formerly known both in Europe & the United States. I was received by him with very great cordiality. I did not deem it expedient or proper to open to him the particular subject with which you had charged me for communication with Lord Palmerston, but I stated to him in general terms that you had instructed me, while passing thro' England to my destination in Paris, to see Lord Palmerston & converse with him on some matters of deep interest to both countries,<sup>1</sup> & that I should be glad to have an interview with his Lordship, if he proposed to return to London in any short time. I received yesterday evening a note from Mr. Addington, of which a copy is herewith enclosed,<sup>2</sup> from which you will perceive that Lord Palmerston has appointed Monday next, the 24<sup>th</sup> instant, for seeing me. I shall, of course, remain here 'till the time for the appointed interview.—

Since my arrival in London, I have examined with great care all the correspondence & other Documents in the office of the Legation relating to the claim asserted by this government in the name of the Mosquito King, (so called), to the territory at the mouth, & along the course of the lower part, of the River San Juan de Nicaragua. I think it is apparent that the British Government has now fully committed itself to the assertion of the Mosquito title, in the abstract at least, & will continue, no doubt, to adhere to that ground. How far it will proceed to build upon that title ulterior schemes for it's own advantage & the extension of it's commercial or territorial power, will depend mainly, I think, upon the degree of acquiescence or opposition with which such pretensions, as they shall be from time to time unfolded, may be met by the other commercial nations of the world.—

It's policy, for some time past, in connection with this subject appears to have been a series of experiments upon the feelings & opinions of the rest of the world, advancing steadily & step by step in the development & progressive enlargement of it's claims. This is strikingly exhibited in a Document, entitled "Correspondence respecting the Mosquito Territory, presented to the House of Commons July 3, 1848, in pursuance of their address of April 3, 1848",<sup>3</sup> of which I shall suggest to Mr. Davis the expediency of sending you a copy, if none has been heretofore forwarded to the Department. It appears from that Document, (p. 1.) that on the 30<sup>th</sup> June 1847, Lord Palmerston instructed Mr. Chatfield, the British Consular agent at Guatemala, (and similar Instructions were despatched to other foreign agents of the British Government at the same time), to notify to the authorities of the several States of Central America that "the right of the King of Mosquito should be maintained as extending from Cape Honduras *down to the mouth of the River San Juan.*" The terms of this notification plainly implied a claim for the King of the Mosquitos to the left or northern Bank only of the

<sup>1</sup> See instruction No. 2 to Rives, August 16, 1849, above, this volume, pt. 1, doc. 2694.

<sup>2</sup> Not included in this publication. The content of this brief note is indicated below in this despatch.

<sup>3</sup> None of this correspondence is included in this publication.

River San Juan at it's mouth, & was so understood by the agent of the British Government who was instructed to give it, as will be seen from his letter to Lord Palmerston of the 3<sup>rd</sup> December, 1847 at page 73 of the Document above referred to. On the 29<sup>th</sup> of February 1849, however, Lord Palmerston in a letter to the same functionary, (Doc. p. 94), informs him that "Her Majesty's Government considers that the claim of the Mosquito nation extends as far as the Southern branch of the St. John which bears the name of the Colorado, but which is just as much a portion of the St. John as either of the other two outlets of that River"—thus, instead of stopping on the left or northern Bank of the River, extending the Mosquito claim so as to embrace it's mouth & all it's outlets, & virtually to assert the exclusive command of it's navigation.—

This paved the way naturally enough for the yet bolder & more undisguised assertion of claim in the letter of the British Consul at New-York of the 30<sup>th</sup> July last, where it is authoritatively announced, in so many words, that "from the Machuca Rapids, about 30 miles below Lake Nicaragua, to the mouth of the St. Johns, *the Navigation of that River belongs to Mosquito.*" I am now satisfied that that letter was fully sanctioned by the highest official authority here, & that it was most probably prepared, word for word, in the Foreign Office. I am also persuaded that it was promulgated thro' the unusual medium of the British Consul, expressly for the purpose of avoiding any diplomatic discussion with the Government of the United States upon the subject, (a design which has been all along plainly enough manifested), and that it was intended quite as much for the Government at Washington as for the private individuals at New-York personally interested in the enterprise of opening the communication between the two Oceans by the River San Juan & Lake Nicaragua.—

It appears to me, however, alike inevitable & indispensable, considering the great national interests which the United States have in the free & unobstructed use of every practicable communication across our western continent, as well as the rights which may have been lawfully acquired by our citizens & which it is the duty of the Government to protect & defend by all reasonable & proper means, that the extraordinary claim now put forward, in the name of the Mosquito Indians, to the exclusive ownership of the River San Juan should be subjected, in some form or other, to a thorough & searching examination. The positions taken in defence of the Mosquito title in the elaborate letter of Lord Palmerston to Mr. Castellon of the 16<sup>th</sup> of July last<sup>1</sup> are, every one of them, clearly untenable; and altho' there is but little hope now of inducing the British Government to abandon the maintenance of that title, in the abstract, the advantage of demonstrating it's invalidity will be to prevent, perhaps, the wise & enlightened Government of this

<sup>1</sup> This note to the Nicaraguan diplomatic representative to Great Britain is above, vol. III, p. 370, note.



country from building upon so weak a foundation claims & projects of a practical nature which could hardly fail to involve the two nations in unfriendly collision. This high duty will devolve upon other & abler hands than mine.

I have the honor [etc.].

2872

*William C. Rives, United States Minister to France, to John M. Clayton, Secretary of State of the United States*<sup>1</sup>

No. 3

LONDON, September 25, 1849.

SIR: yesterday I called upon Lord Palmerston at his house in Carlton Gardens for the purpose of holding the interview with him which had been previously arranged.<sup>2</sup> He gave me a very cordial reception, & took occasion to say that he had come up to London from the residence of Viscount Melbourne in the country, where he had been passing some days, solely for the sake of seeing & conversing with me. After some conversation of a general nature, I stated to him that there being a sort of *interregnum* at present in the usual diplomatic relations of the two countries, owing to the departure of Mr. Bancroft & the postponement, for a few weeks, of Mr. Lawrence's arrival, you had instructed me while on my way to Paris, to call upon his Lordship & converse with him on a matter which was more than ordinarily urgent and critical<sup>3</sup>—that it was quite unnecessary, I persuaded myself, to assure his Lordship that the President was anxious to preserve the most cordial good understanding with her Britannic Majesty's Government—that in proportion as that desire was sincerely felt, it was seen with no little concern that there was one question, which, unless great prudence & caution were observed on both sides, might involve the two governments unwittingly in collision—that, shortly before I left the United States, a letter from the British consul at New-York had been published asserting in very positive & unqualified terms an exclusive claim for the Mosquito Indians, to the ownership & sovereign jurisdiction of the mouth & lower part of the River San Juan de Nicaragua—that the United States had no disposition to intermeddle, in any pragmatical spirit or with views in the slightest degree unfriendly to Great Britain, with that question, but they were necessarily parties to it in their own right—that citizens of the United States had entered into a contract with the state of Nicaragua to open, on certain conditions, a communication between the Atlantic & Pacific oceans by the River San Juan & the Nicaragua Lake—that the Government of the United States, after the most careful investigation of the subject had come undoubtingly to the conclusion that upon both legal & historical grounds the State of Nicaragua

<sup>1</sup> Despatches, France, vol. 32. The receipt date was not indicated.

<sup>2</sup> See reference to it, above, this part, September 21, 1849, doc. 2871.

<sup>3</sup> See instruction No. 2, August 16, 1849, above, this volume, pt. 1, doc. 2694.

was the true territorial sovereign of the River San Juan as well as of the Nicaragua Lake, & that it was therefore bound to give it's countenance & support, by all proper & reasonable means, to rights lawfully derived by their citizens under a grant from that sovereign—that the United States, moreover, as one of the principal commercial powers of the world & the one nearest to the scene of the proposed communication & holding besides a large domain on the western coast of America, had a special & deep interest in the free & unobstructed use, in common with other powers, of any channel of intercourse which might be opened from the one sea to the other,— & that moved by a proper regard for that interest, it had probably already concluded, or would soon do so, a Treaty with Nicaragua for securing a transit for its commerce & public stores by the route in question, on terms open alike to all other nations.

I then proceeded to observe to Lord Palmerston that the Government of the United States was particularly desirous that there should be no misconception of its objects & motives in this matter by her Britannic Majesty's Government & that it was of the highest importance that both Governments should be made acquainted, frankly, with the views & intentions of each other—that it had sometimes happened in military operations that detachments of the same army had gotten engaged with each other, *in the dark*, in bloody strife, and so in civil & political affairs nations as well as individuals, in ignorance of each other's real views & under the influence of a natural but unfounded distrust, were often committed in serious opposition to each other, when a frank & unreserved communication, in the first instance, of their respective objects would have brought them to co-operate heartily in the pursuit of a common end—that the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, & their sincere wish, if it should be found practicable, was to see it dedicated to the common use of all nations on the most liberal terms & a footing of perfect equality for all, securing it beforehand, by proper stipulations, against unreasonable & oppressive exactions for the use of it, either from the States thro' whose territories it should pass, or the individuals or companies who might be authorized to construct it—that the United States would not, if they could, obtain any exclusive right or privilege in a great highway, which naturally belonged to all mankind, for they well knew that the possession of any such privilege would expose them to inevitable jealousies & probable controversies which would make it infinitely more costly than advantageous—that while they aimed at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive controul of any other great commercial power—that we were far from imputing to her Britannic Majesty's Government any views of that kind, but *Mosquito* possession at the mouth of the San Juan could be considered in no other light than *British* possession, and his Lordship would

readily comprehend that such a state of things, so long as it continued, must necessarily give rise to dissatisfaction & distrust on the part of other commercial powers. Would it not, then, be wise, I said to Lord Palmerston, that Great Britain & the United States should come to a frank & manly understanding with each other, & unite their influence for the accomplishment of an object of the highest importance to both of them as well as the rest of the world, instead of hazarding the final loss of so great an object by jarring and divided councils.

Lord Palmerston listened to these observations throughout with marked & earnest attention, shewing the just sense he entertained of the importance & delicacy of the question. He was very glad, he said, to have a full & free conversation with me about it—he had had some conversation with Mr. Bancroft in relation to it, but as he was going away, he had not thought it necessary to enter into much detail with him upon the subject. He then gave a review of the origin & progress of the controversy with Nicaragua. He said that from a very early period the Mosquito Indians had been treated by the British Government as a separate & independent state—that they had what was called a King, who by the bye, he added in a tone of pleasantry was as much a king as I or you—but nevertheless the British Government had, from time to time & for more than a century, given them tokens of recognition & protection as an independent state—in this conditions of things Nicaragua, which had never before been in possession of any part of the Territory claimed by the Mosquitos, took forcible possession of the town & port at the mouth of the San Juan River—that the British Government, as the ancient & in some sort hereditary protector of the Mosquitos, had given the Nicaraguans notice to quit, which as they did not heed, a British naval force was sent there & drove them away—that after being thus put out of possession, the Government of Nicaragua had undertaken to grant to citizens of the United States a right to make a public highway thro' a territory from which they had just been expelled—that the transaction was, on their part, fraudulent & *malá fide*, & was like the case of a man undertaking to sell a horse which was in the possession of & claimed by another—that the authorities of Nicaragua, being thwarted in their object by the interposition of the British Government, got into a bad humour & wished to draw the United States into their quarrel by assuming to grant to citizens of the latter the privilege of opening the communication in question by the River San Juan—that, under these circumstances, the British Government had thought it just & proper to give notice to the parties interested in the United States that the Government of Nicaragua had entered into a contract with them in regard to places where it had no competence—that the suspicion seemed to be entertained by some in the United States that the British Government wished to plant a new colony in America on the San Juan, for which there was not the slightest foundation, as they had already more colonies than they could manage—

*that as to any idea of their holding exclusive possession of the mouth of the San Juan as the key of the contemplated communication between the Atlantic & Pacific, nothing could be farther from their minds*—that it was highly desirable, in the interest of humanity & of the general commerce of the world to promote the civilization & improvement of those countries in central America to which nature had been very lavish in some of her gifts—there were feuds, too, & dissensions among some of them, particularly Nicaragua & Costa Rica, which it would be a good office in other Governments to use their influence to compose—that Costa Rica had made them offers respecting a communication to the Pacific, which if I understood correctly the very brief allusion made to the subject by Lord Palmerston, had not been carried into any formal agreement or convention—and finally his Lordship said that if any plan could be suggested by which Great Britain & the United States could unite in promoting by their joint influence & mutual co-operation the opening of the great channel of communication by Lake Nicaragua & declaring it a common highway for the use & benefit of all nations, it would receive the most favorable consideration of Her Britannic Majesty's Government.— I have endeavoured to give you in full, & in his own words as far as possible, the observations made by Lord Palmerston in response to those I addressed to him, & in explanation of the course & position of the British Government in relation to the Mosquito Territory. His conversation was marked throughout by a tone of perfect frankness, & the most conciliatory & friendly spirit towards the United States. You will see that I was not mistaken in supposing that the letter of the British consul at New-York had been authorized by him. But the explicit & unequivocal disavowal made by him of any purpose of exclusively occupying the mouth of the San Juan as the key of this great channel of communication between the Atlantic & Pacific, which I have been careful to record in the very words used by him, furnishes satisfactory evidence, I think, that the policy of the British Government has been, as I suggested in my despatch No. 1<sup>1</sup> it might be, to prevent by measures of precaution the possible monopoly of that communication by others, rather than to monopolize it for its own benefit. There can be no doubt that jealousies have been industriously instilled into the Government & the public mind here respecting the alleged design of the United States to obtain a controul over all the proposed lines of communication between the Atlantic & Pacific oceans thro' the central parts of America. To guard against the consummation of such a monopoly, if circumstances should give colour to the imputation of such a design to the Government of the United States, the British Government has been, with its usual forecast, gradually extending & fortifying the Mosquito claim at the mouth of the San Juan in the manner pointed out in my last despatch, but with no view, we are bound to believe by the frank & manly declarations of Lord Palmerston recited above, to use it as an

<sup>1</sup> Above, this part, September 14, 1849, doc. 2870.

instrument of monopoly for their own advantage, when they should be satisfied that no such monopoly was sought by the United States for theirs. The mutual explanations, therefore, given in the interview of yesterday in that spirit of frankness which ought ever to characterize the intercourse & proceedings of two such nations as the United States & Great Britain, cannot but pave the way for a better understanding & final co-operation, I trust, between the two Governments in reference to an object worthy by its grandeur & the vastness of its consequences to engage the united efforts of all the commercial powers of the world.—

Having observed that Lord Palmerston in asserting the right of the Mosquito Indians to be considered as an independent nation laid particular stress on the circumstance that Nicaragua, which claimed the sovereign jurisdiction over their territory, had never, but for a very brief period, had actual possession of any portion of it, I said to him that, without any formal discussion of the question, I would state to him in a few words what was the doctrine held by the Government of the United States upon the subject—that upon our continent where so many Indian tribes were included within the general jurisdictional limits of the different civilized nations of European origin which had colonized & settled the country, the relation subsisting between the aborigines & the European settlers was a most important branch of public law—that it had been thoroughly studied & investigated, & solemnly settled by the enlightened decisions of our highest national Tribunals upon the authority of European, & especially *English*, law & practice—that the Spaniards the English, the Dutch & the French, who had established colonies in different parts of America were all governed by the same principle in their intercourse & relations, with the Indian tribes—by none of them had it ever been held necessary, in order to vest in them the general territorial sovereignty over the Indian tribes within the limits respectively appropriated by them, that they should actually have occupied the territory over which these tribes of aborigines were scattered—that the ultimate property or high domain of the Indian Territory was always considered as vested in the nations colonizing the country, by the mere fact of discovery or settlement anywhere within the limits declared to be assumed by them—that upon this principle the colonial charters executed by the crown in the time of James I & afterwards, conveyed immense territories, by widely separated parallels of latitude & from sea to sea, tho' at the time they were known to be occupied almost entirely by wandering tribes of Indians & there was hardly a white inhabitant in them—the same principle had been acted upon by Great Britain in various international compacts—by the treaty of Utrecht, she obtained from France a cession of Acadie or Nova Scotia—by the Treaty of Paris, she obtained from the same power the farther cession of Canada & it's dependencies, & from Spain the Floridas, while on her part she yielded to France the vast regions lying west of the Mississippi, thus passing from

one to another in full dominion & sovereignty immense territories which at the time were in the actual occupation of numerous Indian tribes—that it resulted from this long course of universal usage & conventional practice that actual possession was in no wise necessary to the exercise of a rightful sovereignty over Indian territory,— & that tho' Indian tribes were possessed of some of the attributes of a separate political existence, such as that of governing their communities by their own internal laws & also of sustaining the relation of peace & war, yet it was impossible to recognize in them a complete national independence, such as that which was claimed for the Mosquitos, without subverting the whole fabric of public law belonging to our peculiar position, which had grown up with the general concurrence & assent of all the civilized nations of Europe.— To these remarks Lord Palmerston replied by saying that he fully admitted the general doctrine for which we contended—that it was the principle on which they conducted their relations with the Indian tribes in Canada—but that the case of the Mosquitos was *sui generis* & stood upon its own peculiar circumstances.— I then said that the farther discussion of the Mosquito title would be a matter rather for curious & abstract speculation than of any great practical importance if the two governments, understanding each other's real views & objects, & recognizing their legitimacy, could agree upon some plan of carrying them out in harmony & concert—that tho' I was not authorized to make any suggestion upon the subject, it seemed to me that if Great Britain would do what she had the unquestionable power to effect with the Mosquitos & exert her influence with Costa Rica, while the United States employed their good offices with Nicaragua, every political impediment to the execution of the great work they both desired to see accomplished would be speedily removed, & that placing it then under a solemn inter-national guarantee to protect it's freedom & to secure it's benefits alike to all, every condition would be fulfilled that the most jealous caution might suggest on the one hand or the most liberal & enlarged policy demand on the other. Lord Palmerston received this suggestion in the most favorable manner, & as well by his way of responding to it, as by the tone & spirit of his whole conversation, left me under the impression that he was sincerely desirous of acting in friendly concert with the Government of the United States in promoting the accomplishment of an object of equal & common interest to both nations.—

I have the honor [etc.].

2873

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 4

LONDON, October 19, 1849.

Lord John<sup>2</sup> alluded to the Mosquito affair, and repeated substantially the views of Lord Palmerston, expressed to Mr. Rives. From all I can gather I am inclined to believe that England will be ready to unite with us and any other Government that will join, in a guarantee of the Neutrality of a World's Canal, connecting the Atlantic with the Pacific Ocean. The advantages to the United States from the improvement would be almost beyond human calculation. We are so much nearer to it than Europe, that its effect upon our commerce would be seen and felt at once. I confess the plan grows upon me the more I contemplate its practical operation upon the interests of my Country. We can permit all the world to pass through the Canal on equal terms with ourselves without fear.

2874

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 6

LONDON, October 26, 1849.

As I know you to be much interested in all that takes place with regard to the Mosquito Question, I enclose two Articles from the "News",<sup>4</sup> apparently the first of a series. If they are continued I will send the subsequent numbers.

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 60. Received November 6.

The omitted portions at the beginning and end of this despatch relate to North American affairs.

<sup>2</sup> He refers to Lord John Russell.

<sup>3</sup> Despatches, Great Britain, vol. 60. Received November 12.

The omitted portion relates to the writer's presentation to the Queen and to other matters not pertinent to this publication.

<sup>4</sup> They are not included in this publication. They give a summary of the history of Central America and the Mosquito territory.

## 2875

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>1</sup>

No. 8

LONDON, November 8, 1849.

SIR: I have the honor to acknowledge the receipt of your despatch of the 20<sup>th</sup> ult., not numbered, but which I have marked N<sup>o</sup> 4,<sup>2</sup> and yesterday morning [1] addressed a note to Lord Palmerston requesting an early interview on the subject of Nicaragua.<sup>3</sup> I believe he is now in the Country. In case I do not hear from him tomorrow, I shall call at the Foreign Office, to make arrangements for a speedy interview. You may rest assured there shall be no delay on my part in bringing this question to the consideration of the British Government, and obtaining a decision. You shall hear from me again when I have seen Lord Palmerston.

I have the honor [etc.].

## 2876

*Abbott Lawrence, United States Minister to Great Britain, to Lord Palmerston, British Secretary of State for Foreign Affairs*<sup>4</sup>

LONDON, November 8, 1849.

MY LORD: As I told you in our conversation this morning, I have been instructed by the President to inquire whether the British Government intends to occupy or colonise Nicaragua, Costa Rica, the Mosquito Coast so-called, or any part of Central America.<sup>5</sup> I have also been instructed to inquire whether the British Government will unite with the United States in guaranteeing the neutrality of a Ship Canal, railway, or other communication, to be open to the world, and common to all nations. May I beg the favor of an answer to these inquiries, and to express the wish that I may receive it before two o'clock tomorrow, so as to send it by this week's packet.

I am aware that Nicaragua is in dispute with Costa Rica on the one hand about her boundary, and with Mosquito on the other about their sovereignty. I do not propose to enter on these questions. I only desire to know the views of Her Majesty's Government on the questions I have proposed. At the same time I cannot but think that Great Britain and The United States can heal these breaches by kind offices, and that the Indians can be provided

<sup>1</sup> Despatches, Great Britain, vol. 60. Received December 3.

<sup>2</sup> It was marked No. 4 in the file copy in the manuscript volume. See it above, this volume, pt. 1, doc. 2697.

<sup>3</sup> Not found.

<sup>4</sup> Despatches, Great Britain, vol. 60; enclosure with Lawrence to the Secretary of State, No. 10, November 9, 1849, below, this part, doc. 2877. The date of this enclosure was written in pencil. From internal evidence in the accompanying despatch it is clear that this is the correct date.

<sup>5</sup> See instruction No. 4 to Lawrence, October 20, 1849, above, this volume, pt. 1, doc. 2697.



for in a manner satisfactory to Nicaragua and Great Britain, and far better for them than the equivocal position they now occupy.

I need not assure Your Lordship that the United States have no ulterior purposes in view. They frankly disclaim all intention of obtaining territory in Central America: and I have no doubt would be willing to mutually agree with Great Britain neither to settle, annex, colonise, or fortify that Country.

I am [etc.].

2877

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>1</sup>

No. 10

LONDON, November 9, 1849.

SIR: After closing my despatch N<sup>o</sup> 8,<sup>2</sup> I unexpectedly received a note at a quarter past three from Lord Palmerston,<sup>3</sup> appointing an interview immediately, and repaired at once to his house, where I had a free conversation respecting Nicaragua, Costa-Rica and Mosquito, and particularly upon the points of occupation and colonization, and the guaranty of the neutrality of a ship canal or other communication across the Isthmus. If these two questions are settled by Great Britain in accordance with our views, it seems to me they will form the basis of successful action hereafter. I informed Lord Palmerston of the Treaties made by Mr. Hise and Mr. Squier, and also of Mr. White's contract with Nicaragua:<sup>4</sup> and promised that he might read all of them at a future time. I stated that my present object was to obtain from him a declaration in writing of the views of his Government upon the two questions above referred to, that I might communicate it to you by tomorrow's steamer. And for reasons that I stated placed it upon the ground of personal favor. He expressed himself willing to answer a note embodying these interrogatories, after first seeing the Premier.

I also took occasion to put some of the other questions you instructed me to ask.<sup>5</sup> To the question whether this Government is informed of any route for a canal more favorable than that proposed he replied that he had no knowledge of any other. To the question—what are the purposes of the British Government towards Costa Rica—he answered, they have no political relations whatever with that Country—that the Government of Great Britain had been often applied to by the Agents of Costa Rica to assist them, but had declined meddling with the political affairs of the Central American States. To the enquiry as to a late map of Central

<sup>1</sup> Despatches, Great Britain, vol. 60. The receipt date was not indicated.

<sup>2</sup> Above, this part, November 8, 1849, doc. 2875.

<sup>3</sup> Not found.

<sup>4</sup> See above, vol. III, p. 376, note 1, for the treaty made by Hise; and in the same volume, p. 360, note 2, see article thirty-five of the treaty made by Squier and the contract made by White.

<sup>5</sup> See instruction No. 4 to him, October 20, 1849, above, this volume, pt. 1, doc. 2697.

America he replied—that he did not know whether any had been published—but he exhibited to me a map of Costa Rica lately sent to him by an Agent of that State. I will make further enquiries for such a map, and if it is to be had will send you a copy as soon as possible. I then told Lord Palmerston that I should not now enter upon a discussion of the rights of the Mosquitos, and hoped it would not become necessary: but if it should that I was prepared to show, by reference to principles of public law recognised and practised upon by Great Britain herself, that neither the Mosquitos nor Great Britain had the slightest claim to the sovereignty of that territory. I thank you for the suggestions and full instructions upon this subject. If it is to be argued I shall find your despatch of great service.

After this interview I returned at once and addressed a note to Lord Palmerston,<sup>1</sup> requesting to know in time to send by this packet, if possible, 1<sup>st</sup> “Whether Great Britain intends to occupy or colonise Nicaragua, Costa Rica, the Mosquito Coast so-called, or any part of Central America?” and 2<sup>d</sup> “Whether Her Majesty’s Government would join with the United States in guarantying the neutrality of a ship canal, railway, or other communication, to be open to the world, and common to all nations?” At the same time I took occasion to say that I had no doubt the difficulties between Nicaragua, Costa Rica, and the Indians could be arranged satisfactorily to all parties, but declined entering upon the discussion of those questions at present. I also repeated that we have no ulterior purposes in view, and expressed my belief that the United States would be willing to mutually agree with Great Britain neither to settle, annex, colonise, or fortify Central America. You will perceive that I narrowed the ground on which we shall of course act hereafter, in order to obtain a prompt reply—well knowing your anxiety on this subject, and the importance of relieving the popular mind. I cannot but think, however, that the whole thing hinges on the points raised by these questions. If the reply of Lord Palmerston is of the character I anticipate, I firmly believe that this question of Mosquito, with the disputes between Nicaragua and Costa Rica about their boundaries can be amicably settled. Costa Rica comes here and finds fault with the United States. Nicaragua goes to the United States and finds fault with Great Britain. Now if the whole question is approached with a desire to preserve harmony not only between the United States and Great Britain, but between the several states of Central America, and your suggestion be carried out respecting the Mosquito Indians, the whole affair must be settled, and without compromising the honor of any party.

I have been forced to write this note before receiving a reply from Lord Palmerston, as, if I get one, it will not come till just before the closing of the mail. I have also been obliged to write in great haste, as twenty four hours have not yet elapsed since I left the Legation to go to Lord Palmerston’s

<sup>1</sup> Above, this part, November 8, 1849, doc. 2876.

house; and it is very possible I may have omitted some parts of the conversation. I have endeavored to give you the more essential parts, and hope at an early day this question will be amicably settled, and a new era opened in the history of the world by the creation of a new highway for its traffic.

I have the Honor [etc.].

2878

*Lord Palmerston, British Secretary of State for Foreign Affairs, to Abbott Lawrence, United States Minister to Great Britain*<sup>1</sup>

FOREIGN OFFICE, November 13, 1849.

MY DEAR SIR: I have received your letter of the 8<sup>th</sup> Instant,<sup>2</sup> written in accordance with what passed in our conversation in the morning of that day, and I hasten to reply to your enquiries.

With regard to the first part of your Inquiry I beg to say, that Her Majesty's Government do not intend to occupy or colonise Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America.

With regard to Mosquito, however, a close political connexion has existed between the crown of Great Britain and the State and Territory of Mosquito for a period of about two Centuries: but the British Government does not claim dominion in Mosquito.

With regard to the second part of your enquiry, I beg to say that Her Majesty's Government will feel great pleasure in combining and cooperating with the Gov't of the United States for the purpose of assisting the operations of any Company which may be formed with a view to establish a commercial communication by Canal or Railway, between the Atlantic and Pacific, across the Isthmus which divides the Northern from the Southern portion of the American Continent: both by obtaining local security for the works while in progress, and when completed, and in use: and by placing such a communication, through the means of political arrangements, beyond the reach of molestation, disturbance or obstruction, by reason of international disputes, which may at any time unfortunately arise: upon the condition, moreover, that such communication should at all times be open and accessible for the Commerce of all Nations, upon equal Terms for all. Her Majesty's Government would feel that the Union of the two great Powers for the accomplishment of an object of such general utility, and tending so much to assist the diffusion of civilisation, and to strengthen the Foundations of International Peace, would be as honorable to the Powers concerned in such an arrangement, as the result would be advantageous to the Commercial Interests of the World at Large. With regard to the Port of Grey Town at

<sup>1</sup> Despatches, Great Britain, vol. 60; enclosure with Lawrence to the Secretary of State, No. 11, November 14, 1849, below, this part, doc. 2880.

<sup>2</sup> Above, this part, doc. 2876.

the mouth of the river St John, Her Majesty's Government would fully undertake to obtain the consent of Mosquito to such arrangements as would render that Port entirely applicable, and on the principles above mentioned, to the purposes of such a sea to sea communication.

You advert in your Letter to the differences which have arisen between the Republics of Nicaragua and Costa Rica in regard to boundaries, and to some other matters, and you suggest that the joint influence of Great Britain and of the United States should be employed to heal by their good offices the breaches which have interrupted the Friendly Relations of those two contiguous States. Her Majesty's Government would upon every account be glad to join with the United States in effecting such a reconciliation; and the more so because the cordial cooperation of both those Republics would be essential for the satisfactory completion of the contemplated undertaking.

I have only further to say that Her Majesty's Government have received with great satisfaction your assurance that the United States have no ulterior purposes in view in regard to these matters; that they frankly disclaim all intention of obtaining Territory in Central America: and that you have no doubt that they would be willing to enter into a mutual agreement with Great Britain neither to settle, annex, colonise, or fortify that Country: and I can with equal frankness assure you, that into such a mutual agreement Her Majesty's Government would be equally ready to enter.

I am [etc.].

## 2879

*Lord Palmerston, British Secretary of State for Foreign Affairs, to Abbott Lawrence, United States Minister to Great Britain*<sup>1</sup>

Private and Confidential.

FOREIGN OFFICE, November 13, 1849.

MY DEAR SIR: I was unwilling in my answer to your letter of the 8<sup>th</sup> inst.<sup>2</sup> to touch upon any other Topic, than those to which you had therein adverted; but I cannot refrain from adding a few lines in this separated Letter to repeat that, which in our conversation I said to you, upon the subject of the Treaty which Mr. Squier is said to have concluded with the Government of Nicaragua.

If our information is correct, one object of that Treaty, if ratified, would be, to engage the United States to endeavor to compel the British Government to deliver up Grey Town to the Nicaraguan Government.

I am sure it is needless for me to point out to you, that such an engagement would involve the United States in an unprovoked aggression toward Great Britain: and I think I am entitled to say, that there never was a time

<sup>1</sup> Despatches, Great Britain, vol. 60; enclosure with Lawrence to the Secretary of State, No. 11, November 14, 1849, below, this part, doc. 2880.

<sup>2</sup> For Lawrence's note and the reply of the British Secretary of State for Foreign Affairs, dated November 13, 1849, see above, this part, docs. 2876 and 2878.

when the British Gov't had less reason to expect so hostile a proceeding on the part of the United States: whether we look on the one hand, to the friendly policy of Great Britain towards the United States, and the great measures which the Parliament of Great Britain has of late passed for opening the markets of this country to the Produce of and the Ports of this Country to the Ships of The United States: or whether we look on the other hand to the friendly assurances which we have so repeatedly received from the United States Government, and of which you yourself have so recently and so frankly been the official, and to us most satisfactory organ.

I am [etc.].

2880

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>1</sup>

No. 11

LONDON, November 14, 1849.

SIR: I have just received from Lord Palmerston an answer to my note of the 8<sup>th</sup>,<sup>2</sup> communicated to you in my last despatch,<sup>3</sup> and enclose a copy of it. I have not yet had an opportunity to show him the Treaties made by Mr. Hise and Mr. Squier, with the charter granted by Nicaragua for a canal,<sup>4</sup> as he left Town the 10<sup>th</sup>, and has not yet returned. I shall do so at the earliest possible day, and proceed with the negotiations in accordance with your instructions.<sup>5</sup> Sir Henry Lytton Bulwer sails today, and is doubtless fully instructed upon this question. There appears to be a disposition to settle the matter amicably. So far as I am able to judge, the difficulty will be in obtaining the consent and guarantee of Great Britain to invest Nicaragua with the sovereignty of St John or Grey Town.<sup>6</sup> There is no good feeling existing on the part of this Gov't toward that State. I will obtain from Lord Palmerston the course England intends to pursue, and communicate it to you at once.

With the hope of having your views upon the present position of the question,

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 60. Received December 3.

<sup>2</sup> For Lawrence's note of the above date and the reply of the British Secretary of State for Foreign Affairs, dated November 13, 1849, see above, this part, docs. 2876 and 2878.

<sup>3</sup> Despatch No. 10, November 9, 1849, above, this part, doc. 2877.

<sup>4</sup> See above, vol. III, p. 360, note 2, and p. 376, note, for these three documents. The thirty-fifth article only, of the treaty made by Squier, is included in this publication.

<sup>5</sup> See instruction No. 4, October 20, 1849, above, this volume, pt. 1, doc. 2697.

<sup>6</sup> See the private and confidential note from the British Secretary of State for Foreign Affairs to Lawrence, which was also enclosed with this despatch, above, this part, November 13, 1849, doc. 2879.

2881

*Lord Palmerston, British Secretary of State for Foreign Affairs, to Abbott Lawrence, United States Minister to Great Britain*<sup>1</sup>

FOREIGN OFFICE, November 19, 1849.

SIR: With reference to our recent correspondence<sup>2</sup> about a Passage by Railway or Canal between the Atlantic and Pacific Oceans, I have the honor to observe to you that the Geographical features and the surface-conformation of the country which forms the Isthmus between North and South America seem as yet to be very imperfectly known, and the consequence is that there are various and conflicting opinions as to which is the part of that long tract of country which affords the greatest natural facilities for the establishment of such a communication. But wherever such a communication may be established, and whatever its kind may be, whether a canal or a railway, there can be no doubt that it will cost a considerable sum of money, and if the Capitalists of Great Britain and of the United States are to be invited by the joint action of the two Governments to embark their money in such an undertaking, it would seem desirable that the best spot should be chosen for the execution of the undertaking.

Her Majesty's Government would therefore wish to know whether the Government of the United States would agree with them in thinking that before any private Companies are encouraged to fix upon any particular point for their operations, it would be useful that the two Governments should combine for the purpose of effecting a joint examination of the Isthmus from end to end with a view to ascertain which are the several points where a sea to sea communication could be made, and which of those points seem best adapted for a canal and which for a railway.

Such an examination would probably not occupy any great length of time, because inland investigation could be required only at places where the map and the configuration of the coast would lead to the supposition, first, that a tolerably level passage might be found from sea to sea; and, secondly, that sufficient harbour accommodation might be found or constructed on each side of the Isthmus.

The examination might be carried on by surveying ships and parties working on each side of the Isthmus at the same time, and their instructions might be so framed that they might to a certain extent co-operate or communicate with each other.

The Surveying party on such sea would in such case be a mixed one consisting of British and of United States' surveyors, so that each Government would have two parties at work, the one in the Atlantic, the other on the Pacific side of the Isthmus.

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 60; enclosure with Lawrence to the Secretary of State, No. 13, November 23, 1849, below, this part, doc. 2884.

<sup>2</sup> Above, this part, *passim*.

2882

*Abbott Lawrence, United States Minister to Great Britain, to Lord Palmerston, British Secretary of State for Foreign Affairs*<sup>1</sup>

UNITED STATES LEGATION, November 22, 1849.

MY LORD: With reference to your note of the 19<sup>th</sup> instant<sup>2</sup> inquiring "whether the Government of the United States would agree with them (Her Majesty's Gov't) in thinking that before any private Companies are encouraged to fix on any particular point for their operations, it would be useful that the two Governments should combine for the purpose of effecting a joint examination of the Isthmus from end to end with a view to ascertain which are the several points where a sea to sea communication could be made, and which of these two points seem best adapted for a canal and which for a railway"—I would state in reply that I have no instructions on that point.

At the same time I would repeat what I have verbally brought to Your Lordship's notice—that the United States desire to see completed at an early day great commercial highways from Ocean to Ocean, protected by ample guarantees of neutrality from the selfishness of great and the factiousness of small nations, and open alike to all. And, as a nation of practical men, they are sensible that such highways can only be constructed at great cost, and they cannot but wish that the capital should be expended in the places best calculated for the ends sought to be accomplished.

Your Lordship is doubtless aware that from the general information possessed on this subject, the sentiment of the world has pointed more particularly to two routes in the long tract of country connecting Mexico with South America, as the best suited for such highways: the one at the very neck of the Isthmus, substantially following the course of the Chagres, and touching the Pacific at or near Panama; the other by the St. Juan river and Nicaragua lake, and reaching the Western Coast either by way of Lake Leon, or at some more southern point.

It may not be known to you that the right to construct such highways across the first of these routes has been granted to a Company formed originally in the United States, but since completed by the subscription of a large amount of British Capital—that they have surveyed and located a railway from ocean to ocean—that they have actually closed many contracts for the construction, and (I have heard) among others that for the iron—and that the United States have guaranteed the neutrality of their road, and desire England and the other great nations of the globe to join in the guarantee. This Company is composed of men, many of them known to me, whose integrity, mind, experience, and wealth guarantee the successful completion of the work. Setting aside the consideration that the location of the road is

<sup>1</sup> Despatches, Great Britain, vol. 60; enclosure with Lawrence to the Secretary of State, No. 13, November 23, 1849, below, this part, doc. 2884.

<sup>2</sup> Above, this part, doc. 2881.

already substantially decided, it must, I think, strike Your Lordship, as it does me, that intelligent men, investing their own capital, will make a better, quicker, and cheaper survey than Government Agents.

As to the other route, which would seem to be the better of the two for a Canal, and to possess for the commerce of the East greater advantages from its more northern position and more western outlet on the Pacific, you will perceive by the enclosures that the right to construct this has been granted to a private company by the Government of Nicaragua. The dispute between the small Republics of the Isthmus on the one hand, and the conflicting claims of Nicaragua and Mosquito on the other, interpose obstacles in the way of completing this great work. In a former interview I endeavoured to acquaint Your Lordship with the firmly entertained views of the United States on these points, and I refrain from presenting them in this connection—both because I do not wish to embarrass the question by discussion if it can be avoided, and because I am led to believe, from the desire manifested by Her Majesty's Government to aid in the construction of free mediums of communication with no exclusive privileges, and from the frankness with which they have disclaimed any intention of establishing either military or commercial posts for that coast, that some amicable means may be found for removing the obstacles in the way of what both nations profess to desire. In that event it seems to me that a private company of responsible men, formed under the protection of England, the United States, and such other nations as choose to join in the guarantee of neutrality, on the same basis as the Railway Company (which I am assured would be the case), would be the best agent as well for the preliminary survey as the construction of the work. There can be no doubt, I think, that the best interests of mankind will be subserved if the combined enterprize and wealth of the world at large build this as well as the other work, unassisted by Government aid farther than in the guarantee of its safety and neutrality.

I hope at a very early day after Your Lordship's return to town, to have a full and free conversation on this subject. Meanwhile I enclose for your consideration various copies<sup>1</sup> which I have been instructed to furnish you with, and have the honor [etc.].

<sup>1</sup> At the end of this note, four enclosures were listed. The first was a "Copy of a portion of a treaty between the United States and New Granada, concluded and ratified." Presumably this is a reference to the treaty, dated December 12, 1846, which may be found in Malloy, *Treaties, Conventions, etc., between the United States and Other Powers*, vol. 1, pp. 302-314. The second was a "Copy of a treaty concluded by Mr. Hise on behalf of the United States with Nicaragua without authority, and not yet ratified." See it above, vol. III, p. 376, note. The third was a "Copy of a part of a treaty concluded by Mr. Squier on behalf of the United States, under instructions, with Nicaragua, but not yet ratified." The thirty-fifth article of that treaty is above, vol. III, p. 360, note 2, which may possibly be the portion sent with this note. The fourth was a "Copy of a contract between Nicaragua and the Ship Canal Company." This is presumably a reference to White's contract, which is in the same footnote with the portion of Squier's treaty, cited in the sentence immediately above, in this footnote.



2883

*Abbott Lawrence, United States Minister to Great Britain, to Lord Palmerston, British Secretary of State for Foreign Affairs*<sup>1</sup>

Private & Confidential. UNITED STATES LEGATION, November 22, 1849.

MY LORD: Your note of the 13<sup>th</sup> inst.<sup>2</sup> seems to call for a reply on my part. Not desiring to embarrass this question with discussions if they can be avoided, I have preferred following your example, and add what I have to say in a separate note.

The United States has seen with satisfaction the liberal course pursued by Her Majesty's Government as to the laws regulating the Commerce and Navigation of Great Britain, and hail them with the more delight that they are the response to an invitation held out by Washington, and more than thirty years since made a public law under one of his successors. They have rejoiced, too, as they have beheld the evidence of a friendly feeling towards themselves on the part of this great nation, and they have responded to these tokens by sincere assurances of friendship. They earnestly desire that the two greatest commercial Nations may become more firmly united for peaceful works, disputing in a friendly feeling and on a liberal basis for the commerce and carriage of the world, and rivalling each other only in their endeavors to advance the general interests and welfare of mankind.

Influenced by such motives they have seen with regret that on a coast commanding one outlet of what is supposed to be the best route for a canal from Ocean to Ocean, a Tribe of Savages has been clothed with a sovereignty which they cannot but consider unfounded. They saw in this, new difficulties in the way of the construction of a most important channel for the peaceful commerce of the world, and they feared that ulterior purposes lay behind it. It seemed to them that no great maritime Nation ought to desire or be permitted to have an exclusive foothold on the Isthmus: but that its efforts and influence should be confined to guarantees of neutrality.

From the liberal and enlarged spirit in which our advances have been met by Your Lordship, I cannot but hope that this block in the way of this great enterprise may be removed—that the Mosquitos may be provided for in a manner fully satisfying the demands of philanthropy and justice—that other causes of difference may be satisfactorily adjusted—and we spared a discussion which could only defer what we both wish to effect, and perhaps lead to more serious results.

You have spoken of the Treaties. The United States have nothing to conceal: and I have, under instructions,<sup>3</sup> forwarded with my other note of even date, copies of everything furnished me thus far from Washing-

<sup>1</sup> Despatches, Great Britain, vol. 60; enclosure with Lawrence to the Secretary of State, No. 13, November 23, 1849, below, this part, doc. 2884.

<sup>2</sup> Above, this part, doc. 2879, the second document of that date.

<sup>3</sup> See instruction No. 4 to him, October 20, 1849, above, this volume, pt. 1, doc. 2697.

ton.<sup>1</sup> You will see by these the nature of the Treaty negotiated by Mr Squier—that while it indeed rests upon the validity of Nicaragua's claim of sovereignty from ocean to ocean, it seeks to secure nothing exclusively to the United States—that it contemplates an invitation to the world to join in its provisions for the world's welfare. I have reason to believe that the United States are as firm as they are sincere on this point.

I have the honor [etc.].

## 2884

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>2</sup>

No. 13

LONDON, November 23, 1849.

SIR: I had the honor to receive on the 19<sup>th</sup> inst. your note of the 31<sup>st</sup> ult, together with a copy of an agreement between Great Britain and Nicaragua which should have accompanied your Note No. 3.<sup>3</sup> I now enclose a communication received from Lord Palmerston since I last addressed you, proposing a joint survey by Great Britain and the United States of the Isthmus of Darien, together with my reply to the same.<sup>4</sup> If a canal is to be constructed across the Isthmus, it will, I have no doubt, be best accomplished by the joint capital of the inhabitants of the United States and Great Britain, the route and expenditure being left to the intelligence and energy of those who may embark their money in its construction.

Lord Palmerston not having returned to Town, I have had no interview with him since my last despatch. That he may have a clear understanding of the position now occupied by the United States, I have in obedience to your instructions furnished him with copies of the Treaties made by Mr. Hise and Mr. Squier<sup>5</sup> respectively—the latter I understand under the

<sup>1</sup> See his note, above, this part, doc. 2882, and note 1, p. 327, concerning the enclosures with it.

<sup>2</sup> Despatches, Great Britain, vol. 60. Received December 12.

<sup>3</sup> No copy of an agreement between Nicaragua and Great Britain was mentioned as an enclosure with either one of these communications, which are above, this volume, pt. I, September 24 and October 31, 1849, docs. 2695 and 2698; but with instruction No. 4 to him, dated October 20, 1849, which is also in the same part, doc. 2697, a projet of a treaty was transmitted to him, similar to the treaty negotiated by Squier on behalf of the United States with Nicaragua on the subject of the canal, which Lawrence was instructed to present to Lord Palmerston for the purpose of inducing Great Britain to conclude a like treaty with that government. This projet was not found, but for that portion of Squier's treaty relating to the canal, see above, vol. III, p. 360, note 2.

<sup>4</sup> For these two notes, see above, this part, November 19 and 22, 1849, docs. 2881 and 2882. See also Lawrence's private and confidential note to the same, of the latter date, above, this part, doc. 2883, which also came as an enclosure with this despatch. Lawrence's despatch No. 12, dated November 19, 1849, was the "last addressed" to the Secretary of State, but it was not pertinent to this publication. He presumably intended to refer to his No. 11, November 14, 1849, above, this part, doc. 2880.

<sup>5</sup> See Nos. 3 and 4 to him, above, this volume, pt. I, September 24 and October 20, 1849, docs. 2695 and 2697; and for the treaties enclosed with them, see above, vol. III, p. 360, note 2, and p. 376, note. Only the portion of Squier's treaty relating to the ship canal is included in this publication.

authority and instruction of the President. I also transmitted with the Treaties a copy of the Charter granted by the Republic of Nicaragua to David L. White and others<sup>1</sup> for the construction of a Ship canal. The proposal for a Treaty between Her Majesty's Government and Nicaragua I shall present in person. What may be their effect upon the mind of the British Cabinet I will not undertake to foretell. I can hardly believe however that Great Britain will not yield the untenable ground she has taken after the assurances I have already given that a treaty will be presented and ratified by the Senate, embracing the guaranty for a ship canal through the territory of Nicaragua including the St. Juan River and harbour with Greytown &c. &c. I will not speculate upon this question, but close by remarking, that after a careful examination of the Mosquito claim, with the protectorate of England, I can see no ground for it to rest upon either in history, public law, or justice. I am collecting maps which may enable you to ascertain the original boundaries of Guatemala, as well as the boundaries of different States of Central America. I have sent to Paris for the ancient Spanish Maps. I hope to be able to send them by the steamer of the first of December. In the hope of receiving your further promised Instructions next week,

I have the honor [etc.].

2885

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>2</sup>

No. 14

LONDON, November 29, 1849.

SIR: Since my last despatch<sup>3</sup> I have heard nothing from Lord Palmerston: indeed he did not return to Town till day before yesterday. I do not know how my notes of last week struck his mind. In order, however, that we may understand each other, I addressed him a note yesterday morning,<sup>4</sup> requesting an interview at his earliest convenience, to which I have not yet received a reply.

There is a paragraph in the Newspapers stating that Great Britain has sent a fleet to Central America. I do not believe it. I have heard that some vessels were ordered to the Island of Cuba to volunteer their services to the Spaniards if requested.

I can say nothing more on the Mosquito question until I have seen Lord Palmerston and ascertained what course he intends to pursue in regard to the removal of the Indians. The maps I have not yet procured, but hope in a few days to obtain something bearing on the question.

I have the Honor [etc.].

<sup>1</sup> This contract follows the extract from Squier's treaty, above, vol. III, in note 2, p. 360.

<sup>2</sup> Despatches, Great Britain, vol. 60. Received December 19.

<sup>3</sup> Above, this part, November 23, 1849, doc. 2884.

<sup>4</sup> Not found.

2886

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton,  
Secretary of State of the United States*<sup>1</sup>

No. 19

LONDON, December 14, 1849.

SIR: Since I last had the honor of addressing you on the subject of Central America,<sup>2</sup> I have by appointment held two interviews with Lord Palmerston, and as the result am now preparing a note which I think will bring from him a definite reply upon all the points at issue. I have little doubt the British Government will soon be ready to conclude a treaty with New Granada similar to that made by the United States, guaranteeing the neutrality of the Rail Way. I am inclined to believe also that they will unite with us in a guaranty of the Canal, giving up Grey Town. Of this I cannot speak with *full* confidence. The obstacle, it appears to me in the way of a complete settlement of the whole question will be the abandonment of the protectorate of the Indians. I have pressed this point, and shall insist upon it, even if Lord Palmerston gives up everything else. The note I have in preparation will give him the opportunity of meeting the question without further delay, and without compromising his own consistency or dignity, or that of his Country. I shall send a copy of it by the next steamer, and perhaps of his reply. If we can obtain the consent of this Government to conclude with Nicaragua a treaty similar to that concluded between that Republic and The United States, the initiatory steps to the commencement of the work will have been taken, and its completion insured. I hope to satisfy the *British Cabinet* that it is unwise for them to maintain their present relations with the Indians.

The *Chargé d'Affaires* of Nicaragua, and the *Chargé d'Affaires* of Costa Rica are both absent on the Continent at present, but will be here in four or five weeks, when I shall open the subject of the boundary line of these two states.

I have caused a collection to be made of Books and Maps on Central America, for the Use of The State Department, which I think, if not useful now, may be of value hereafter. I doubt not you will agree with me, and will give the proper order to enable me to draw for the amount on our bankers here. I enclose a schedule of them, with a note from M<sup>r</sup> Stevens who collected them for me. I have concluded to retain the collection for a few days, or until I ascertain whether I shall be obliged to argue the question.

I have the Honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 60. The receipt date was not indicated.

<sup>2</sup> See his despatch No. 14, November 29, 1849, above, this part, doc. 2885.

2887

*Abbott Lawrence, United States Minister to Great Britain, to Lord Palmerston,  
British Secretary of State for Foreign Affairs*<sup>1</sup>

LONDON, December 14, 1849.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America has the honor to call the attention of Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, to the political condition of Central America, and the plans for the construction of a Railway and Ship Canal through that country from ocean to ocean, which have recently been the subject of conversations and correspondence between the Undersigned and His Lordship,<sup>2</sup> and about which it seems desirable that the respective views of the United States and Her Majesty's Government should be mutually and definitely understood.

The Undersigned desires first to recapitulate the facts illustrating the present position of this question. Great Britain and the United States both profess to desire to see constructed highways from the Atlantic to the Pacific: both wish to see those highways properly guarded during construction and after completion: both desire to see them when finished placed upon such a basis as will entitle them to the confidence of the world. Each has an interest in them approached only by that of the other. For Great Britain, they will open new and shorter routes to her Eastern Empire:—for the United States they will be the bridge connecting the Atlantic with the Pacific States, and consolidating their vast territory:—above all, for the world, by opening new avenues for its commerce, and greater facilities for friendly intercourse, they will offer strong guaranties for the continuance of peace and the increase of good will.

The United States have already taken the initiatory steps for such results. Permission to construct a railway across the Isthmus of Darien near Panama has been granted to a private company of American citizens, who have been joined by British Capitalists, and the work is now under construction, its neutrality guarantied by a Treaty of the United States with New Granada.<sup>3</sup> The State of Nicaragua has also granted to certain citizens of the United States the right to construct a Ship Canal from sea to sea through her territory, and the neutrality of this route also is guarantied by a Treaty, concluded, but not yet ratified, between the United States and Nicaragua.<sup>4</sup>

<sup>1</sup> Despatches, Great Britain, vol. 60; enclosure with Lawrence to the Secretary of State, No. 20, December 28, 1849, below, this part, doc. 2888.

<sup>2</sup> For this correspondence, see above, this part, *passim*.

<sup>3</sup> He presumably refers to the treaty dated December 12, 1846, for which see Malloy, *Treaties, Conventions, etc., between the United States and Other Powers*, vol. 1, pp. 302-314, and to the railway contract mentioned in the note of the Colombian minister, General Herrán to the Secretary of State, dated July 24, 1849, above, vol. v, doc. 2039.

<sup>4</sup> See above, vol. III, p. 360, note 2, for the thirty-fifth article of the treaty made by Squier, dated September 3, 1849; and see also the contract, which follows it, dated August 27, 1849. These are presumably the documents to which the writer refers.

This Treaty will probably be submitted for ratification to the Senate at its present Session; and the Undersigned has been informed it is proposed to offer the subscriptions for the Canal Stock to English and American Capitalists. Copies of these several treaties and charters the Undersigned has already had the honor to submit to Lord Palmerston.<sup>1</sup> The United States have disclaimed all intention to settle, annex, colonize, or fortify the territory of Central America, which declaration has been met by a similar disclaimer on the part of Great Britain. Her Majesty's Government have intimated their willingness to join with the United States in their guaranties of neutrality. To this brief statement may be added that the Undersigned has learned unofficially through the public press, that the Chargé d'Affaires of the United States at Guatemala has obtained from the Government of Honduras the cession of an Island in the Pacific Ocean,<sup>2</sup> with reference to the wants of the proposed canal, from which, if correct, it would appear that arrangements have been made by the United States for its Western outlet.

From the foregoing statement it appears that Great Britain and the United States agree on all the main points. Lord Palmerston will also undoubtedly coincide with the Undersigned in the belief that without such agreement this work may be delayed. No other nations in the world have so important interests to be affected by it—no others have the requisite capital at command—no others have shown a willingness to guaranty the neutrality essential to its safety—and capital, always timid, would shrink from it without such guaranty—much more were it the cause of disagreement between these two nations. Though Great Britain or the United States may each be in a position to do this work single handed, yet neither would probably desire to do so. It may therefore be assumed that the two Countries desire to go on with the work, through their respective capitalists, together and harmoniously, and that, in the absence of any obstacles, it would be soon completed and in operation.

The only apparent obstacles are—the boundary disputes between the different States of Central America—the claims made in favor of the Mosquito Indians to a portion of the territory of the Eastern Coast of the Isthmus—and the British occupation of Grey Town.

Desiring to remove if possible these impediments the Undersigned offers for the consideration of Viscount Palmerston certain suggestions in the hope that his Lordship will either coincide with the views of the Undersigned, or will offer some others more feasible. In regard to the boundaries of the States of Central America, the Undersigned is persuaded that if these States fail to settle them amicably, they can be induced to submit their disputes to the arbitration of certain citizens of the United States and Great Britain, ap-

<sup>1</sup> They were enclosed with the first note, dated November 22, 1849, above, this part, doc. 2882, from Lawrence to Lord Palmerston.

<sup>2</sup> See article thirty-five of the unperfected treaty between the United States and Honduras, dated September 28, 1849, above, vol. III, p. 393, note 2.

pointed by those two Governments whose decision shall be final. The kind offices of these two nations might be further extended to a recommendation to the several States of the Isthmus to reunite under a Federative Government, both for the better social development of that people, and the peace of a country becoming so important to the world.

With respect to the Indians, the United States are convinced that their claim is against well settled principles of public law, and its admission would virtually surrender to barbarism much of the American soil now in the possession of the aborigines. The Undersigned is sensible that unless the views of the two Governments on this subject can be harmonized, the coöperation so much desired will be prevented: and feeling confident that Viscount Palmerston as well as himself would deprecate such a result, he begs leave to present certain considerations which he believes may bring the two nations together.

In a former communication, Viscount Palmerston has said that "a close political connection has existed between the Crown of Great Britain and the State and territory of Mosquito for a period of about two centuries."<sup>1</sup> It is no purpose of the Undersigned at present to consider the nature, object, or history of that connection. He alludes to it simply to call Lord Palmerston's attention to the great changes which in that time have come over the world. Its commerce has increased in an almost untold ratio. Facilities of intercourse exist undreamed of. New nations have become powerful on lands then scarcely discovered, and entirely unknown. Old Kingdoms then great have faded away. Older powers, still, have been reanimated by an infusion of Christian vigor. And now, by a combination of these circumstances, with a future in prospect surpassing them all, the Eastern Coast of Central America has received an importance it never before possessed. It appears to the Undersigned that the just interests of humanity demand that this territory should be open to the great object under consideration, without let or hindrance, even though the claim of these Savages were valid. They can be properly provided for otherwise. But the face of nature cannot be entirely changed. And in order to give full confidence to the capitalist of Europe and America, neither the United States nor Great Britain should exercise any political power over the Indians, or any of the States of Central America. The occupation of Grey Town, and the attempt to establish a protected independence of Mosquito, throw at once obstacles in the way, excite jealousies, and destroy confidence without which capital can never flow in this channel. Nicaragua, too, stands in a position to *demand* the good will of all entering into this work. She holds the undoubted Western Key, and should she refuse the right to traverse her territory, except on the recognition of its integrity, neither Great Britain nor the United States could take

<sup>1</sup> See above, this part, the first of the two notes from Palmerston to Lawrence, dated November 13, 1849, doc. 2878.

that right by force. She has, too, already granted the only available Charter ever given, and the grantees stand ready to go on, when they can once be assured of protection. The Undersigned can discover no course that will ensure the accomplishment of this great work, except the extension of Nicaragua from shore to shore, including of course the dedication of Grey Town to the purposes of the Canal, which Her Majesty's Government have already expressed a willingness to do. The Indians must be properly cared for. The United States would view with no less concern than Great Britain the practise of any harshness towards that people. The right might be guaranteed to them to pursue their usual occupations within definite limits, ample for such a purpose, with a condition that if any nation, corporation, or company have acquired, or may acquire, the privilege of constructing a communication between the Atlantic and Pacific Oceans by means of a canal, and if such communication shall necessarily pass through the lands assigned to the Mosquitos, a reasonable compensation shall be secured to them, which shall be paid by Nicaragua for the extinction of their title to as much of that territory as may be necessary for the objects in view. In that event, of course, the sovereignty of the whole territory would rest in the Spanish States: the whole arrangements and stipulations on their part, however, with regard to the Indians to be made satisfactory to the United States and Great Britain, and proper stipulations made for enforcing the same. The execution of these suggestions would require the conclusion of Treaties between Great Britain and some of the States of Central America, as well as the United States and the same States: and the Undersigned is obliged to say that the United States have no power over any of them, and he no authority to speak for them. He can assure Viscount Palmerston, however, that in the event of these suggestions meeting the views of Her Majesty's Government, the United States will spare no proper exertion to induce those powers to become parties to such an arrangement.

The Undersigned has therefore the honor to enquire of Viscount Palmerston whether Her Majesty's Government are willing to enter into a Treaty with Nicaragua similar to that negotiated by Mr Squier on behalf of the United States<sup>1</sup>—whether they are willing to enter into a Treaty with New Granada, guaranteeing the neutrality of the railway now under construction—and whether they are willing to let the protectorate of the Indians pass to other hands under proper checks and guards for their humane treatment, and let such parts of the territory, said to be occupied by them, as may be necessary, be dedicated to this great work.

A Ship Canal connecting the two Oceans will do more to perpetuate peace between Great Britain and the United States, and in fact the whole world, than any other work yet achieved. After the lapse of centuries during which various companies have been formed for its construction and have

<sup>1</sup> That portion of Squier's treaty relating to the ship canal as above, vol. III, p. 360, note 2.



failed, we have the opportunity to exhibit anew the power and energy which have made us the two greatest commercial nations on earth. It is our mission to extend commerce, the pioneer of civilization and child of peace to all parts of the world—to cultivate friendly relations with all—to bring the distant near—and to illustrate by our example the elevating effects of Christianity. There is a fitness in our union for the purpose of opening a great channel of communication, saving a distance of more than ten thousand miles, given up to the use of the world, dedicated to peace, and working out incalculable benefits to mankind. Let us construct the work on the only practicable basis, and invite all nations to join in the guarantee of its neutrality, that neither now nor here after jealousies may arise on the part of those who may be the recipients of its benefits.

The Undersigned begs leave to add further, that he has reason to think that the people of Great Britain and the United States entertain the same feelings in regard to the importance of this work, and stand ready to enter on its construction, as they have already on that of the railway, when they can see their investments guarded by suitable guarantees. He ventures to express the hope that Viscount Palmerston will give this subject an early consideration. The Congress of the United States is now in Session: and he is anxious to transmit the decision of Her Majesty's Government to the President.

The Undersigned [etc.].

2888

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States<sup>1</sup>*

No. 20

EAST SHEEN (near LONDON), December 28, 1849.

SIR: Your despatch N<sup>o</sup> 8.<sup>2</sup> was received on the 25<sup>th</sup> inst. It found me too ill to attend to business, in which condition I yet remain. I enclose a copy of a note sent to Lord Palmerston the 15<sup>th</sup> inst,<sup>3</sup> which I hope will meet with your approval. Mr Stevens promises his catalogue<sup>4</sup> by the next steamer. He finds it more voluminous than he expected.

No answer as yet has been received from Lord Palmerston. The Times has taken up the subject again in an article friendly to our views.

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 60. Received January 17.

<sup>2</sup> Above, this volume, pt. I, December 10, 1849, doc. 2699.

<sup>3</sup> Dated, however, December 14, 1849, above, this part, doc. 2887.

<sup>4</sup> This refers to a catalogue of maps and books relating to Central America.

2889

*Lord Palmerston, British Secretary of State for Foreign Affairs, to Abbott Lawrence, United States Minister to Great Britain<sup>1</sup>*

Private.

FOREIGN OFFICE, January 5, 1850.

Viscount Palmerston presents his compliments to M<sup>r</sup> Lawrence, and begs to communicate to him, for his perusal, a Translation, in Spanish, of a Letter which M<sup>r</sup> Chatfield, Her Majesty's Chargé d'Affaires in Guatemala, addressed to the Government of Nicaragua on the 5<sup>th</sup> of September last,<sup>2</sup>

<sup>1</sup> Despatches, Great Britain, vol. 60; enclosure with Lawrence to the Secretary of State, No. 25, January 25, 1850, below, this part, doc. 2891.

<sup>2</sup> An English translation of that note, found with the accompanying despatch, follows:

*Translation from a Spanish version of a note from Frederick Chatfield, Chargé d'Affaires of Great Britain in Central America, to the Minister of Foreign Affairs of Nicaragua*

GUATEMALA, September 5, 1849.

SIR: I had the honor to receive the note, dated on the 7<sup>th</sup> of August last, in which you were pleased, according to instructions from the Government of your State, to reply to mine of the 15<sup>th</sup> of July previous [These notes are not included in this publication.—Ed.]; and I shall immediately communicate it to the Government of Her Britannic Majesty.

It is not my intention, at present, to reply to the various unfounded assertions, or the declamations contained in the communication above mentioned; being convinced, as I am, that it is very common when good reasons are wanting, to have recourse to specious arguments and high sounding words— My feelings in favor of Nicaragua and my desire to render a service if possible to its Government, induce me to address to you these observations, with the hope of dispelling the errors, on which you support your conduct, with regard to Great Britain, on the Mosquito question.

I must, in the first place, show that the imputation cast upon me, of having endeavoured in my protests, to restrain the liberty of the press in Nicaragua, is totally unfounded; as it is well known, how little I regard the false statements, and other remarks which are constantly appearing, in the newspapers of certain States, respecting Great Britain— Of a very different character however, is what occurred, especially in the last commotion among certain towns of your State which attempts have been made in decrees, proclamations and other official documents maliciously to attribute to British influence, and to the views of my nation.

I protest, and with reason, against the language, and the very manifest spirit of these publications; which, besides their being serious insults, exhibit most clearly the intention to excite the unenlightened people against the persons and interests of the subjects of Her Majesty, the Queen, residing in Nicaragua; and if this had unfortunately been effected, it would have certainly brought on a conflict, the consequences of which might not have been foreseen by the persons, charged with the direction of the affairs of the public; so that these remonstrances of mine, should rather be considered as acts of kindness and friendship than in the sense in which your Government has received them.

Coming to the principal object of the present note, I observe that you persist in repeating, what has been so often said that "Great Britain has attacked the independence of Nicaragua by violating her territory, and appropriating to itself, her most important possessions on the Atlantic coast," on which points you make new protests, against every act, tending to prevent you from defending a territory—"confided to you by the Law."

The repetition of such ideas shows that the object and intention of the Nicaraguan Government in this affair is to attract the attention of all parties, by making it believed, that Great Britain by force alone, and without any justice or reason, despoils your State of what belongs to it, by refusing to recognize the rights of sovereignty, which Nicaragua advances over the Mosquito territory.

In order therefore, that the acts of Great Britain relative to the Mosquito coast, may not give rise to disagreeable questions, I have determined to present again to the

Footnote 2, page 337—*Continued*

consideration of your Government some observations which I could wish to see examined with calmness and without prejudice.

It must in the first place be stated that the principal acts upon which have been founded, the accounts published from time to time by the Nicaraguan Government, in its discussions with that of Great Britain, on this subject, are not exact—; or they want the necessary degree of accuracy; and thence arises the principal obstacle, which your Government has itself created, to arriving at a proper understanding.

An attempt is made to deny the natural and effective independence, which the Mosquitos have ever enjoyed in their territory, the existence of their hereditary Kings or Princes, according to their mode of succession, and their constant connection with Great Britain during more than two centuries; and the denial of these notorious facts, has closed the door, from the commencement, against all rational discussion, and all amicable settlement, as solicited by myself on repeated occasions.

I should regret that this new effort on my part, should also prove vain; I however propose, in support of it, to present a concise sketch of the most important of those circumstances keeping in view as my guide, the objections made by Mr Secretary Buitrago, in his memoir presented to the Assembly in December 1847 [Not included in this publication.—Ed.]; and I refer to that document, as being the one, in which it was endeavoured to compress all the reasons, in behalf of Nicaragua, on the Mosquito question.

According to the memoir to which I refer, it is difficult to fix the period at which Great Britain, began to have influence on the Mosquito coast; on the 2<sup>d</sup> page, it is stated, that a kingdom of Spain at some time, in the last century, had acknowledged that the English began to establish themselves there about two hundred years before that is to say, shortly after the conquest, yet this fact, the most important in the case, is not admitted.

Be this as it may, it is unquestionable that long before 1670, there was an English establishment, on the Mosquito coast, and about the same time also, the rights of Great Britain were confirmed, so far as regarded Spain, by the treaty of Madrid of July 16. 1670.

Bridge in his annals of Jamaica says that in 1687, when the Duke of Albemarle came to that island, as Governor, the Mosquitos solicited the protection of the British Crown, alleging that the Earl of Warwick, had in the year of Charles II. taken possession of various islands in the West Indies, and especially that of Providence, near their own territory and that this Earl with the view of establishing amicable relations with them, had carried to England one of the King's sons, leaving his friend Colonel Morris as a hostage— That the Indian Prince remained there three years, and on the death of his father in that interval, he thought it would be better for his subjects, to be governed by the King of England, in favour of whom he abdicated all his authority, swearing with his whole tribe, allegiance to him— The Mosquitos having then formally renewed their cession to the English King he gave a commission to the Mosquito King, which was conferred on him by the Duke of Albemarle under the Seal of Jamaica—

From that period it has been the custom for the Mosquito Kings or Caciques on succeeding to authority, to go to Jamaica, and make homage before the Governor of that colony, as proved by official documents.

In 1720, the Assembly of that island, as appears from its acts, ratified a treaty, concluded on the 25<sup>th</sup> of June of that year, between the Governor of the Colony, Sir Nicholas Lawes, and Jeremy the King of the Mosquitos, who engaged to assist the English against the Maroon negroes then in rebellion— They moreover assisted the English faithfully, on many occasions when the Spanish forces attacked the establishment at Belize; and in 1780 a considerable body of them joined in the British expedition to the San Juan.

From time to time British authorities were commissioned to govern the establishment in the Mosquito territory; and these appointments were regularly recorded from the year 1741. Although Great Britain did evacuate the Mosquito coast, in virtue of the Convention of 1786, the Spanish Government was unable to occupy it; and the Indians continued to maintain their independence, and to boast of their never having been subjugated, keeping up their relations constantly with Jamaica the principal place with which they traded.

On the disappearance of the Spanish power from the American continent, and the cancelment of the obligations of the treaties, contracted with regard to it, the Indians renewed their former relations of amity and commerce with the British, keeping up the old custom of crowning their kings in the Dominions of Great Britain— Thus King

Footnote 2, page 337—*Continued*

Frederick was crowned at Belize in 1815; Robert Charles Frederick in 1825; and the reigning King in 1845. These facts are all established by proofs which no one can refuse to admit.

Don Domingo Juarros, a native of Guatemala, and its best historian, who wrote between 1808 and 1818, speaking of the Mosquito coast, under the name of Provincas de Saguralpha and Tologalpa, declares that they had never been conquered, nor reduced to subjection, by the Spanish Government; that they were inhabited by uncivilized and savage Indians, who kept up relations of commerce with the British. This historian does not mention a single establishment ecclesiastical civil or military, as having been formed by the Spaniards on that whole coast; and it clearly appears from his accounts that even the Missionary Fathers, who have been so successful with the Indians in other places, had produced no effect in the Mosquito Country.

It moreover appears from the accounts of Don Diego de la Hoya ["Haya" in Spanish copy.—Ed.], Governor of Costa Rica, in 1720, from the Official Gazette of April 1730; from the memoir of Don José A Lacayo de Briones who was Governor of Nicaragua in 1744, and from the letters of Bishops Tristan and Vallegas ["Villegas" in Spanish copy.—Ed.], besides other authorities which might be cited that the Spanish Government finding it impossible to subdue the Mosquitos by force, had to acknowledge their nationality, in order to prevail upon their good will, and thus to free the frontier provinces and people from the depredations of those Indians—

The communications and correspondence which passed between the Spanish authorities and those of the Mosquitos, were conducted as usual between independent nations as proved by numerous examples which I forbear to cite in order not to swell this note too much.

Equally explicit are the acknowledgements of three of the States which have arisen upon the separation from Spain.

On the 17<sup>th</sup> of July 1841 Don Antonio Escalante, Governor of St Andrew's Island a dependency of the Republic of New Granada addressed a letter to "*Frederick Charles Robert King of the Mosquito Nation*" soliciting the restoration of certain negroes who had run away and taken refuge in "your territory" (the word of the letter) offering to pay all the expenses of their return— This was in the name of the Republic of New Granada and by one of its officers—

On the 16<sup>th</sup> December 1843 the Government of the State of Honduras made a Treaty with the Mosquito General Lourie ["Lowrie" in Spanish copy.—Ed.] Robinson; and although it appeared in the end that Robinson was not empowered to that effect, yet this act shows clearly, the recognition of the independence of the Mosquito Nation. Now with respect to Nicaragua a similar act took place in another Treaty made in 1847, on which I say no more, as it is mentioned in the official memoir to which I refer from Secretary Buitrago.

I may here remind you that in my official note of November 1842 [Not included in this publication.—Ed.], I stated to your supreme Government, as I conceive with sufficient reason, that if a declaration from Spain (supposing such to have been made) without any real occupation, could have given the right of sovereignty over the Mosquito Country, as is now alleged by Nicaragua, and if the circumstance that the independence of the Mosquitos has never been recognised, either directly or indirectly by the Spanish Government, as also affirmed by Nicaragua, could have given force and validity to that right, it would follow as a natural consequence, that Central America, the conquest and dominion of which by the Crown of Spain cannot be questioned, and the independence of which has not yet been admitted by the mother country, should at this moment belong, of right, to the Spanish monarchy. So that Nicaragua, far from being able to obtain the submission of territories which she does not possess, nor ever has possessed, the argument advanced by her in support of her pretensions, is in reality against her own national existence.

Of all these and other reasons set forth by me, in my communications, M<sup>r</sup> Secretary Buitrago has not thought proper to take any notice in his memoir—as I conceive he should have done, in order to give information on a subject, which, if placed in a clear light, would have presented fewer difficulties. I therefore, now, present them to the consideration of the Government of Nicaragua, in order to show that justice and reason do not guide it, in its pretensions, and to correct its opinion with regard to the proceedings of Great Britain.

I now proceed to recapitulate the reasons alleged by Señor Buitrago, in favour of the cause supported by Nicaragua, and I propose to make some observations, by way of refuting them.

Footnote 2, page 337—*Continued*

The principal of these reasons are the following.

First, as repeatedly alleged by your Government on the Mosquito question, that by the Treaties of 1783 and 1786 Great Britain agreed to evacuate the said territory in favour of Spain—that this coast was always a Spanish possession, as it was included by the Laws of the Indies, in the District of the Captaincy General of Guatemala; and not being excluded by the Constitution of that Monarchy published in the year 1812, it thus continued until 1821, when the independence was effected, and then remained *de facto* included in the New Republic of Central America, which took the place of Spain in all her rights.

These Arguments have all been more or less completely answered. It has already been shown, that as neither the State of Nicaragua, nor before it, the Republic of Central America, were parties to the Treaties above mentioned, nor had any thing to do with them, those Treaties are *jus tertii*, with respect to those Governments even supposing them to have continued unimpaired to the present day, so far as they concerned the Spanish Government.

But the supposition that the rights of Spain were transmitted to the Governments created in America, by the mere fact of their independence, is utterly destitute of foundation, and has been as yet recognised by no one.

To admit that all which fell into the power of the New Authorities, really and by force, became subject to them, is very different from admitting that voluntary rights were thus transferred, without the assent or authority of the power to which they properly belonged.

It seems very strange that while Spain has not yet acknowledged the National existence of Nicaragua, that State should pretend to exercise the rights of that monarchy against Great Britain, united as she is by the bonds of amity, relations and Treaties with the Spanish Nation, which has alone the right to claim the execution of Treaties made by itself.

There is moreover, another consideration, which is, that if there have been disputes between Great Britain & Spain respecting the Mosquito territory, the latter power could not now cede a questionable right to another country, and still less make it the possessor of what had been abandoned to itself for special causes or views by the other contracting party. If the renunciation alleged to have been made, had been made to Spain, how can Nicaragua avail herself of it?

The allegation that the Laws of the Indies, and the Constitutions given, did not exclude the Mosquito Country from Guatemala, is so futile and invalid that it deserves no reply. Every nation may adopt what laws it pleases, for itself; but no one has as yet ever pretended that such laws or decrees extend to other nations, or that they can in any way affect the rules of international right.

Central America succeeded Spain *de facto*, as regards its subjects, and the places occupied by them; but it can claim no right to places which have not been under its actual dominion and possession, so as to be recognized by other powers.

It is repeated, that there never has existed among the Mosquitos, a hereditary monarchy; but I have already said enough upon that point, in the first part of this note, and I will merely add, that the attempt to deny things which are real and effective, can serve no other purpose, than to weaken the cause, which such a course is intended to maintain.

Did not one of these Mosquito Kings come to Guatemala, in the time of the Spanish Government, and was he not received there by all as a Prince? In the islands in India, in Africa, and other Countries, Sovereigns have existed resembling more or in all respects, the one who is treated with derision, by the Nicaraguan Government.

There is however another thing, which deserves to be noticed. Mr Secretary Buitrago cites the Treaty ratified in December 1847, by the Government of Nicaragua, as concluded, says he, with the Princess Ines Ana Frederica [*"Inés Ana Federica"* in Spanish copy.—Ed.] by which certain rights were secured to Nicaragua. I leave aside the ephemeral and fragile nature of this badly forged document, in order to make these observations. That this argument of Señor Buitrago has placed upon record, an irrefragable proof, that there is a Mosquito Kingdom, that this Monarchy is not a fiction on the part of the British, and that this territory exists, with the Government of which Nicaragua treats; thus recognising the Mosquito Nation, and the principle by which Great Britain protects it.

It is now said, that in the Constitution or Constitutions of Nicaragua of 1826, and 1838, the Mosquito territory is embraced and especially the San Juan; and that by the Act of Independence the Nicaraguans recovered their primitive liberty and original

containing a statement of Facts showing the nature of the connexion which has existed since the middle of the 17<sup>th</sup> century between Great Britain and the Mosquito Nation.

rights of property, in this territory, as lords of the soil, as far as the Atlantic coast, including therein the Mosquito Tribes. Whatever may have been the pretensions set forth in the laws and constitutions adopted in Nicaragua, they could, as I have already said, extend no further than to its subjects and the places under its dominion *de facto*. That the Aborigines of Nicaragua might allege this pretended dominion over the country on the extinction of that of Spain, may be admitted; but the doctrine is utterly inapplicable to the sons and descendants of Spaniards who have in reality taken upon themselves the government with their own language, laws & customs.

But this argument of the right of postliminium, can only be applicable to the Mosquito Nation, which on the disappearance of the dominion *ad honorem* of the Peninsula, has for that fact alone, entered into the entire exercise of its Sovereignty, and become entitled to act as may seem most advantageous to itself, in its relations with other powers.

In the memoir in question, it is pretended that British Agents have alleged that the contracting parties to the Treaties of 1783 and 1786, having disappeared, the obligation on the part of Great Britain had ceased; to which the answer is, that if Great Britain had thought so, she would not have limited herself to remaining within the territories conceded to her by those Treaties, from which is derived the right of the Governments of Central America, to require the fulfilment of those stipulations. On this point, it is said, that in the Treaty it was agreed, that Spain should not ill treat the Mosquitos, on account of their anterior relations with the British and that no mention is made therein of the existence of any dynasty at that period; whence is drawn the conclusion, that the young Indian, George Frederic, could have no hereditary right to the throne. All these arguments are like those preceding, destitute of logic and foundation. The British Agents have never repudiated the Treaties with Spain, on the contrary they have constantly recognised them; demising all right to interfere with them, to Nicaragua, to which they cannot concede the rights unjustly assumed by her.

Another error of argument in the memoir of Señor Buitrago, remains to be noticed; which is the pretension, that in the Treaties above mentioned, concessions were made to Great Britain; while the fact is, that in those compacts, Spain obtained a limitation of the progress made on that coast, by the British establishments which were being formed there.

Thus I do not understand, how it could be supposed, that in the absence of the Spanish power from those countries, Great Britain should have been required to abandon her rights, to certain places thus obtained by her, when it must be evident to all, that the natural consequence was her recovery of the full enjoyment of what she had, from considerations, ceded to Spain.

I have endeavoured to place in a clear light, the true circumstances of the Mosquito question, as concerns the territorial pretensions of the Government of the State of Nicaragua, and I doubt not that when these particulars are considered impartially, together with the other documents presented to the British Parliament by Order of the Queen, in the last year, which have I presume been sent to you by the Agent of your State at London, your Government will be convinced that the protest made by it against the sovereignty of the Mosquito King, over that coast, under the protection of Her Britannic Majesty, is founded on erroneous ideas; and that the Government of Nicaragua can no longer question the right of Sovereignty, which the Mosquito Kings have for centuries exercised, over the territory now claimed by Nicaragua.

I have the honor [etc.].

2890

*Abbott Lawrence, United States Minister to Great Britain, to Lord Palmerston, British Secretary of State for Foreign Affairs*<sup>1</sup>

Private.

LONDON, January 15, 1850.

M<sup>r</sup> Lawrence presents his compliments to Viscount Palmerston, and has the honor to return herewith, with his thanks, the Spanish Translation of M<sup>r</sup> Chatfield's note to the Nicaraguan Government enclosed in Lord Palmerston's note of the 5<sup>th</sup> inst.<sup>2</sup> He has been prevented by illness from returning it at an earlier day. He has read the note with the care it merits, and has found little in it with which he was not previously acquainted, and nothing to change his views on this subject.

M<sup>r</sup> Lawrence asks leave to call Lord Palmerston's attention to his note of the 14<sup>th</sup> ultimo,<sup>3</sup> and to beg the favor of an early reply.

2891

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>4</sup>

No. 25

LONDON, January 25, 1850.

SIR: I have not yet received a reply from Lord Palmerston to my note of the 14<sup>th</sup> ultimo.<sup>5</sup> On the 5<sup>th</sup> instant, however, while at East Sheen, I received a note enclosing a Spanish Translation of a note from M<sup>r</sup> Chatfield to the Nicaraguan Government, which I look upon as indicating his views upon the Mosquito Question.<sup>6</sup> Having read this flimsy document, I returned it with a note, a copy of which I enclose.<sup>7</sup> On the 23<sup>d</sup> inst. I received your note N<sup>o</sup> 13 with enclosures<sup>8</sup> (N<sup>o</sup> 12<sup>o</sup> not having yet come to hand), and have

<sup>1</sup> Despatches, Great Britain, vol. 60; enclosure with Lawrence to the Secretary of State, No. 25, January 25, 1850, below, this part, doc. 2891.

<sup>2</sup> See above, this part, doc. 2889, and, in note 2 thereto, an English translation of the enclosure with it.

<sup>3</sup> Above, this part, doc. 2887.

<sup>4</sup> Despatches, Great Britain, vol. 60. The receipt date was not indicated.

<sup>5</sup> Above, this part, doc. 2887.

<sup>6</sup> See above, this part, January 5, 1850, doc. 2889, and in note 2 thereto, an English translation of the enclosure with it.

<sup>7</sup> Above, this part, January 15, 1850, doc. 2890.

<sup>8</sup> No. 13, December 29, 1849, is above, this volume, pt. 1, doc. 2702, and for the enclosures with it, see the following: Instruction No. 4 to Squier, United States chargé d'affaires to Guatemala, June 19, 1849, above, vol. III, doc. 751; Squier's despatches, Nos. 7, 8, and 9, dated respectively, October 25, November 2 and 8, 1849, above, vol. III, docs. 936, 940, and 944; British Minister Crampton's note to the Secretary of State, June 8, 1849, above, this part, doc. 2866; the Secretary of State's reply to Crampton, June 12, 1849, above, this volume, pt. 1, doc. 2693; and see article thirty-five of the treaty made by Squier in behalf of the United States with Honduras, dated September 28, 1849, above, vol. III, p. 393, note 2, relating to the Nicaraguan ship canal, which presumably is that portion of the treaty referred to in the instruction as an enclosure.

<sup>9</sup> Not included in this publication. It related to the erection of a lighthouse in the United States.

deemed it advisable to have a personal interview with Lord Palmerston before opening a correspondence on the subject to which it relates. As my health, yet bad, though improving, will not allow me to go to the Foreign Office, I have addressed a note to him asking him to call at my house,<sup>1</sup> to which I have not received a reply.

Some five or six weeks ago I had an interview by appointment with M. Marcoleta, representing the State of Nicaragua at this Court, and acting in harmony with Honduras and San Salvador, though not yet accredited by those States. The conversation was conducted through an interpreter as M. Marcoleta does not speak English, and I do not speak Spanish. I began by stating that negotiations were in progress on the subject of Central America between the Government of Great Britain & the United States—that the United States were anxious to see a Canal constructed from Ocean to Ocean on a liberal basis—that the present position of the Mosquito Indians presented obstacles to this—that the United States desired to know the views of Nicaragua in various contingencies. At the same time I desired him to understand that the cases I should put were hypothetical entirely—that I had no intimation of the views of the British Cabinet upon them. I wished to ask, in the event that Great Britain and the United States could agree upon a plan for the construction of this canal, would Nicaragua be willing to surrender up Grey Town to its purposes, and permit that port to become a free town? 2<sup>d</sup> in the event that Great Britain would not abandon Mosquito, but would consent to give up all below Bluefields, would Nicaragua and Honduras consent to recognise the independence of the Indians?—3<sup>d</sup> in the event of the abandonment entirely of Mosquito by Great Britain, would Nicaragua and Honduras consent to take them under their protection, and enter into treaty stipulations with Great Britain and the United States to that effect? 4<sup>th</sup> In the event of Great Britain being willing, would Nicaragua consent to submit her boundary disputes to the arbitration of citizens of the United States and Great Britain, to be selected by their respective Governments? 5<sup>th</sup> Did M. Marcoleta know the views of Costa Rica?

To these questions M. Marcoleta replied through his interpreter—that Nicaragua undoubtedly would be willing to surrender Grey Town to the uses of the canal, as its construction was of such vast importance to her interests—that neither Honduras nor Nicaragua cherished animosity against the Indians—that Honduras indeed had already recognised their independence by treaty—that he could not say what would be the views of these states as to taking them under their protection, but doubted not they would be willing to make them citizens,—that how Nicaragua would view an independent existence he could not say—that he had not yet full instructions and powers from Honduras, but was expecting such daily—that he doubted not Nicaragua would submit her boundary disputes to such an arbitration, but he had no

<sup>1</sup> Not included in this publication.



instructions to that effect—that Costa Rica had a representative here, M. Molinas [Molina?], who was at that time on the Continent. He said that he had intended to have asked me many questions, but the course of the conversation had made them unnecessary—that he was to leave the next day for Paris and Rome to return in six weeks, and if meanwhile I should desire to communicate with him, I could do so through his Secretary. I then requested him not to communicate this conversation to his Government, as I preferred it should reach there through the United States, to which he assented. The interview then terminated, having lasted about an hour. M. Marcoleta left soon after for the Continent, and has not yet returned.

On Tuesday last I learned that M. Molinas, the Costa Rica Agent had arrived in London, and desired to see me. Although far from strong, I lost no time in arranging for an interview, and accordingly met him yesterday. I repeated to him the views and purposes of the United States substantially as I had expressed them to M. Marcoleta, referring from time to time for the identity of my statements, to M. Gavarrete, Secretary of the Nicaraguan Legation, who was present at both interviews. I urged upon him the importance of this work to Costa Rica as well as Nicaragua; the necessity of harmony between those States for its completion; the good feelings of the United States towards all; the absence of ambition or desire of territorial aggrandisement on their part, and in this connection set forth their views in obtaining the cession of Tigre Island: and I repeated to him the same question that I had put to M. Marcoleta about arbitration, and received the same reply. I also asked him whether Costa Rica had any political relations with Great Britain? to which he answered that she had not, that her relations were purely commercial. In the course of the conversation he said that he had been informed that Lord Palmerston would relinquish the possession of Tigre Island, and declare himself satisfied with the general security of the State of Honduras for the debt. This interview lasted nearly an hour, and terminated very satisfactorily to me.

I need not say, in conclusion, that I feel anxious to urge on these negotiations as rapidly as possible, and shall spare no pains in carrying out your views in regard to them.

I have the honor [etc.].

P. S. I have just received a note from Lord Palmerston<sup>1</sup> appointing tomorrow for an interview. Your N<sup>o</sup> 12 is also just received.

<sup>1</sup> Not included in this publication.

## 2892

*Memorandum of an interview between Abbott Lawrence, United States Minister to Great Britain, and Lord Palmerston, British Secretary of State for Foreign Affairs<sup>1</sup>*

Private.

LONDON, January 27, 1850.

M<sup>r</sup> Lawrence began by saying that he had anxiously waited for a reply to his communication of the 14<sup>th</sup> of December,<sup>2</sup> but the principal object in asking for an interview at this time was to say that after the very free and frank conversation they had held touching the subject of Central America, he felt it a matter of courtesy to inform him (Lord P.) of the new aspect of affairs before addressing him in writing on the proceedings of M<sup>r</sup> Chatfield. He then asked him what were the views of the Government of Great Britain upon the question of the seizure and occupation of territory in the Central American States, particularly of Tigre Island, to which Lord Palmerston replied that representations of British subjects were made to the Government with regard to claims of long standing against the Central American States, many of which were of a peculiar character, and also of abuses committed on British subjects by imprisonment and otherwise, and that he applied to the Admiralty to send a naval force on both sides of the Isthmus for the purpose of coercing those States to the payment of their honest debts, notice having been given more than a year since that such would be the case unless the debts were paid—that M<sup>r</sup> Squiers was acquainted with the fact that Tigre Island would be probably taken possession of by Great Britain, and that he (Squiers) entered into the Treaty with Honduras with that knowledge. He farther stated that the forcible seizure of Tigre Island he deemed premature on the part of M<sup>r</sup> Chatfield under the circumstances—that it should have been left to the Admiral in command on the Pacific, who was then expected to arrive there at an early day, to act as circumstances might call for. He said he thought M<sup>r</sup> Squiers had probably been misinformed in many particulars in regard to the views of the British Government—that there appeared to be a misunderstanding of the motives and wishes of H. M. Govt—"but so far as all that goes," said he, "we will not discuss it. We do not acknowledge the right of the United States to interfere with us in the course we have taken in Central America. Yet I repeat what I addressed to you in the early part of this negotiation, that Great Britain has no intention of annexing, settling, colonizing, or fortifying any part of Central America." M<sup>r</sup> Lawrence then stated that it was a source of deep regret to him at this juncture in the negotiations, that anything should occur to disturb the fair prospect

<sup>1</sup> Despatches, Great Britain, vol. 60. Received June 10.

This memorandum was filed in the manuscript volume after Lawrence's despatch No. 27, dated February 5, 1850. That despatch neither relates to the subject of this memorandum nor is it pertinent to this publication.

<sup>2</sup> Above, this part, doc. 2887.

of a settlement, yet, under the circumstances, he was instructed to demand, before proceeding any further, a disavowal on the part of Her Majesty's Government, of the act of M<sup>r</sup> Chatfield in the seizure of Tigre Island—that the United States did not recognise the right of the British Government to blockade or to seize the premises or the property of these weak republics for the debts of private individuals—that these claims did not grow out of torts but contracts, and illustrated it by the forcible seizure of a vessel as shewing his idea of a tort: to which Lord Palmerston replied that before requesting the Admiralty to furnish this naval force for the said purposes, he had consulted the law authorities of the Crown, who had given him the opinion that the Government would be justified in taking such a course; but he added that at the same time it was a question susceptible of argument. M<sup>r</sup> Lawrence then told him that in order that he might understand fully the views of the United States, he would read to him his instructions on this subject in full, which he then took from the table and read through. He then told him (Lord Palmerston) that he should address him a communication on this subject, in which he should request from H. M. Gov<sup>t</sup> a disavowal of the act of M<sup>r</sup> Chatfield in the seizure of Tigre Island; to which he replied that he had already sent orders to abandon Tigre Island, and to leave it just where it was before it was taken possession of by M<sup>r</sup> Chatfield, placing it, however, within the discretion of the Admiral to do what seemed to him right, and that he was ready to give an early answer, in time for the next steamer, to any communication that might be addressed to him.

M<sup>r</sup> Lawrence endeavoured to impress upon Lord Palmerston the necessity of an early settlement of this question—that it was very likely to be made a subject for party discussion on both sides, and the sooner a conclusion was reached, the better for all parties concerned. He stated expressly that the Gov<sup>t</sup> of the United States would not be prevented from making treaties with the Central American States in consequence of seizure of territory or claims set up by Great Britain, and from executing those treaties according to their tenor—that there was a feeling existing in the United States and in Central America that Great Britain desired to possess herself of territory not only for colonization, but also to Command the Keys of the great proposed Canal—and that from the public newspapers, as well as from private sources of information, he had gathered that there was a body of men inclined to secure the canal in the hands of British subjects: and he asked Lord Palmerston whether this were really so. To this Lord Palmerston replied that there was such a party—that he had been often spoken to on the subject—that he had given no encouragement to any such idea, but had said that, if accomplished at all, it must be done by Great Britain and the United States and dedicated to the world at large—that in his declaration that H. M. Gov<sup>t</sup> did not intend to settle, annex, colonize, or fortify any part of Central America he was sincere, and the Gov<sup>t</sup> would carry out those sentiments—that after all it

seemed a very small matter for two great nations to disagree about—that he fully appreciated the desire often expressed by M<sup>r</sup> Lawrence to maintain the most friendly relations between the two countries, and that he responded entirely to his desire then and often before expressed, to settle all difficulties amicably. M<sup>r</sup> Lawrence said that since he had had the pleasure of meeting Lord Palmerston, he had seen the official agents of Costa Rica and of Nicaragua, and had put to them certain hypothetical propositions corresponding with his Note of the 14<sup>th</sup> of Dec<sup>r</sup>, to which the agent for Costa Rica, having full authority, responded most heartily, and, as he thought, thankfully for the mediation that might be proffered in the settlement of their disputes.

The Nicaraguan Minister not having authority to enter into stipulations of the character indicated, said that he was not prepared to act, but that his own private opinion was favorable to the whole plan presented by M<sup>r</sup> Lawrence, if it could be carried out. This conversation closed with an earnest request on the part of M<sup>r</sup> Lawrence that the note he proposed to write should be replied to at once, and the remark that it was highly important that an early reply should be made to his note of the 14<sup>th</sup> of December.

## 2893

*Abbott Lawrence, United States Minister to Great Britain, to Lord Palmerston, British Secretary of State for Foreign Affairs<sup>1</sup>*

LONDON, January 30, 1850.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honor again to call the attention of Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, to the condition of Central America, and the proposed ship canal from Ocean to Ocean. In a note to Lord Palmerston dated the 14<sup>th</sup> of December last<sup>2</sup> the Undersigned, among other things, said that he had "learned unofficially through the public press that the Chargé d'Affaires of the United States at Guatemala had obtained from the Government of Honduras the cession of an island in the Pacific Ocean, with reference to the wants of the proposed canal, from which, if correct, it would appear that arrangements had been made by the United States for its western outlet." By the last mail from the United States the Undersigned received official confirmation of this statement,<sup>3</sup> and with it other intelligence which he regrets to be obliged to lay before Lord Palmerston, as it tends to interrupt the harmonious feeling which has hitherto marked the progress of the negotiations on this subject.

<sup>1</sup> Despatches, Great Britain, vol. 60; enclosure with Lawrence to the Secretary of State, No. 29, February 8, 1850, below, this part, doc. 2896.

<sup>2</sup> Above, this part, doc. 2887.

<sup>3</sup> He presumably refers to instruction No. 13 to him, December 29, 1849, above, this volume, pt. 1, doc. 2702.

On the 28<sup>th</sup> day of September last the Government of Honduras made a formal cession of the Tigre Island in the Gulf of Fonseca to the United States, for the purposes abovementioned, to hold absolutely for eighteen months, or until the ratification of a Treaty that day signed by the Plenipotentiaries of the United States and of Honduras,<sup>1</sup> should the ratifications be exchanged at an earlier day: and on the 9<sup>th</sup> of October following a decree was issued by the President of Honduras confirming and announcing said cession.<sup>2</sup>

Notice of this cession was duly given by M<sup>r</sup> Squiers, Diplomatic Representative of the United States, to the several foreign legations, and among others to M<sup>r</sup> Chatfield, Her Majesty's Diplomatic representative.<sup>3</sup> On the 16<sup>th</sup> of October M<sup>r</sup> Chatfield, with an armed force of Her Majesty's service, seized and took possession of the Tigre Island, and occupied the same in Her Majesty's name; and on being subsequently notified by M<sup>r</sup> Squier of the cession and requested to surrender it to the United States, refused so to do, claiming it as within British jurisdiction, and under British sovereignty.<sup>4</sup> The Undersigned has also learned that other islands in the same Gulf have been in like manner taken possession of and occupied by M<sup>r</sup> Chatfield, and that several of the ports of San Salvador and Honduras have been blockaded by British forces.<sup>5</sup>

Proceedings of this violent character during the known pendency of negotiations on this subject between the United States and Great Britain, have naturally excited distrust of the purposes which prompted them. While the people of the United States and of Central America desire nothing but the construction and protection of the canal on the basis already referred to in the correspondence between the Undersigned and Lord Palmerston, they very reasonably have doubted whether these liberal views are shared by Her Majesty's Government seeing as they have a claim made by Gt. Britain to an exclusive interest in the Keys of the route on both oceans under different pretexts. The Government of the U. States, relying on the declarations of Her Majesty's Govt. contained in Lord Palmerston's note of the 13<sup>th</sup> of Nov<sup>r</sup> last,<sup>6</sup> has not shared this distrust.

But in order to protect its just rights in Tigre Island, and to carry out its generous purposes in regard to the construction of the canal, as well as to allay the distrust, and the hard feeling engendered thereby it has intrusted the Undersigned "to ask for a disavowal of all acts of M<sup>r</sup> Chatfield or others, which have for their object to extend British jurisdiction over any

<sup>1</sup> See this treaty, above, vol. III, p. 393, note 2.

<sup>2</sup> See this document, above, vol. III, p. 424, note 2.

<sup>3</sup> See the circular letter, dated September 28, 1849, above, vol. III, p. 403, note 1.

<sup>4</sup> For the correspondence between Squier and Chatfield, see above, vol. III, notes I, p. 416; 3, pp. 427-8; I, p. 431.

<sup>5</sup> See above, vol. III, the documents contained in notes, pp. 431 and 463, relative to this information.

<sup>6</sup> He apparently refers to the first of the two notes of this date from Lord Palmerston, above, this part, doc. 2878.

part of the Central American States." He has therefore the honor to inquire of Viscount Palmerston whether the seizure and occupation of Tigre Island was authorized and is approved by Her Majesty's Government: and whether any other acts done by M<sup>r</sup> Chatfield or others and Her Majesty's name, having for their object to extend the British jurisdiction as aforesaid, were in like manner authorized, or are approved.

The Undersigned has the honor to enclose copies of the Treaty of Cession, of the Decree made thereon,<sup>1</sup> and of such parts of the voluminous correspondence growing out of the seizure,<sup>2</sup> as is necessary to exhibit the facts.

The Undersigned has been instructed to ask for an early answer to this note, and in complying with his instructions he would again express his own strong desire to see the question speedily settled.

The Undersigned [etc.].

2894

*Henry Lytton Bulwer, British Minister to the United States, to John M. Clayton, Secretary of State of the United States<sup>3</sup>*

WASHINGTON, February 7, 1850.

SIR: I have not received from Her Majesty's Government any information respecting the affair to which your note of the 31<sup>st</sup> Ultimo<sup>4</sup> alludes; nor had I any information whatsoever on the subject beyond that contained in the public prints when your note reached me.

But since receiving your communication I have learnt some particulars from M<sup>r</sup> Chatfield himself relative to the transaction to which you refer, and these particulars though not sufficiently ample to enable me to answer you fully, do enable me to speak as to the following circumstances.

The just claims of certain aggrieved British Subjects having been frequently and vainly urged upon Honduras by Her Majesty's Government, M<sup>r</sup> Chatfield announced as early as the 26<sup>th</sup> of January 1849, that unless such claims were promptly satisfied, he would be obliged in the name of Her Majesty's Government to lay a lien upon the Island of Tigre in order to obtain thereby their payment. This fact he communicated to M<sup>r</sup> Squier's Predecessor, and there appears every reason to suppose that M<sup>r</sup> Squier was fully acquainted with it, when, as it would seem for the purpose of assisting the Honduras Government in resisting the just claims of Her Majesty's Government, he took the Island of Tigre on his own responsibility under the protection of the United States. This step placed M<sup>r</sup> Chatfield, as he conceived under the necessity of taking that step of which he had previously

<sup>1</sup> See above, vol. III, p. 393, note 2, and p. 424, note 2.

<sup>2</sup> Lawrence presumably enclosed to Lord Palmerston the documents which are cited above, p. 348, in notes 3, 4, and 5.

<sup>3</sup> Notes from Great Britain, vol. 27.

<sup>4</sup> Above, this volume, pt. I, doc. 2703.

given notice, or of allowing it to appear that the unwarranted action of the Agent of another government was sufficient to deter that of Her Majesty from seeking the settlement of a debt it had already demanded.

Such if I read them rightly appears to be the principal substance of those communications from M<sup>r</sup> Chatfield which have just come into my hands, and you will see from the statement I have drawn therefrom that the object of Her Majesty's Government was never to take permanent possession of Tigre Island, and that if M<sup>r</sup> Chatfield considered himself compelled to take possession of it at all, this was partly owing to the untoward interference of M<sup>r</sup> Squier.

Furthermore I consider myself warranted in saying that you are quite right to presume that I am acquainted with the general policy of Her Majesty's Government with reference to that part of the world in which M<sup>r</sup> Chatfield's duties place him, and without having any specific authority to make any declaration upon the subject, I am perfectly willing to state my firm conviction that it is not in accordance with such policy to seek for Colonies or conquests in those Regions which are classed under the general denomination of Central America.

I make this declaration with readiness since I have received from you repeated assurances that the views of the United States Government on this point are entirely identical with those of Her Majesty's Government, and I cannot help here saying that I think it would be highly desirable if the Agents of both Governments were imbued with a knowledge of the real policy of the Cabinets of Washington and S<sup>t</sup> James's, so that instead of acting in opposition to each other on account of jealousies and suspicions respecting projects which their Governments disavow, they acted in unity and harmony together for the purposes of protecting the Commercial Interests, and procuring a settlement of such claims as may justly be brought forward by the aggrieved citizens, of either Country.

When further details respecting what has occurred at Honduras arrive to you, I have no doubt they will be satisfactory; and in the meantime I shall be very happy if this note prove so; for I know the feelings of Her Majesty's Government towards that of the United States, and the frankness and cordiality with which Her Majesty's Secretary of State for Foreign Affairs would desire me on all occasion to deal with you.

I avail myself [etc.].

2895

*Abbott Lawrence, United States Minister to Great Britain, to Lord Palmerston,  
British Secretary of State for Foreign Affairs<sup>1</sup>*

Private.

LONDON, February 7, 1850.

MY LORD: Knowing as I do how much care the opening of Parliament brings I should not intrude on your time, did I not fear that from that very cause you would overlook my note about Tigre Island <sup>2</sup> till after the sailing of the steamer. I think it of the utmost importance to send your views home this week, and ask again to press it on your attention. I earnestly hope you will be able to answer me in time to send to Liverpool Friday Evening.

Believe me [etc.].

2896

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton,  
Secretary of State of the United States<sup>3</sup>*

No. 29

LONDON, February 8, 1850.

SIR: Lord Palmerston did not call upon me on the 26<sup>th</sup> ult. as he had appointed in his note of which a copy was enclosed in my N<sup>o</sup> 25.<sup>4</sup> He sent an apology stating his detention at a Cabinet Council, & appointing the next day for the interview, when he came, and we had a long conversation relative to the seizure of Tigre Island, and the views of H. M. Gov't with reverence to Central America. He promised to answer in time for this steamer any communication I might address him on the subject. Accordingly on the 30<sup>th</sup> of January I addressed him a note of which I enclose a copy, and on the 7<sup>th</sup> of Feb<sup>y</sup> another marked "Private" of which I enclose a copy;<sup>5</sup> to which I have as yet received no replies. You will see that I have spared no pains in pressing this matter to a speedy conclusion, and if there is delay, it is not imputable to me.

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 60; enclosure with Lawrence to the Secretary of State, No. 29, February 8, 1850, below, this part, doc. 2896.

<sup>2</sup> Above, this part, January 30, 1850, doc. 2893.

<sup>3</sup> Despatches, Great Britain, vol. 60. The receipt date was not indicated.

<sup>4</sup> See the postscript to Lawrence's No. 25, January 25, 1850, above, this part, doc. 2891. The note from Lord Palmerston is not included in this publication, since its content is indicated within this despatch.

<sup>5</sup> Both are above, this part, docs. 2893 and 2895.



2897

*Lord Palmerston, British Secretary of State for Foreign Affairs, to Abbott Lawrence, United States Minister to Great Britain<sup>1</sup>*

LONDON, February 13, 1850.

The Undersigned Her Majesty's Principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the official note which was addressed to him on the 30<sup>th</sup> ultimo by M<sup>r</sup> Abbott Lawrence,<sup>2</sup> Envoy Extraordinary and Minister Plenipotentiary of the United States of America at this Court, inquiring whether the proceedings of M<sup>r</sup> Chatfield, Her Majesty's Chargé d'Affaires at Guatemala, in ordering the occupation of certain islands in the Bay of Fonseca have been approved by Her Majesty's Government.

The Undersigned begs to state to M<sup>r</sup> Lawrence in reply, that, Her Majesty's Government having claimed compensation from the Governments of Honduras and Salvador for certain wrongs sustained by British subjects within the territories of those Republics, and the Governments of those States not having satisfied those demands, M<sup>r</sup> Chatfield and Her Majesty's Naval Officers on the Atlantic and Pacific Coasts of America were instructed to take such steps as might be necessary for obtaining just redress. In execution of those general Instructions M<sup>r</sup> Chatfield, in conjunction with the officer commanding one of Her Majesty's ships of war in the Pacific took possession of Tigre Island as a means of reprisal, and as a temporary pledge for obtaining from the Government of Honduras the satisfaction that was required; and the Undersigned apprehends that, according to the Law of Nations, such a proceeding was an allowable means of procuring redress. But when Her Majesty's Government were informed of what had taken place, the Undersigned stated in reply to M<sup>r</sup> Chatfield that a reprisal of this particular kind ought not to have been made without specific Instructions from Her Majesty's Government or without the concurrence of the British admiral commanding in the Pacific; and M<sup>r</sup> Chatfield was therefore directed to restore the Island of Tigre to its former condition without prejudice to any measures which Admiral Hornby might afterwards deem it necessary or right to take in order to obtain satisfaction from the Government of Honduras.

Moreover, since that Instruction was addressed to M<sup>r</sup> Chatfield, Her Majesty's Government have heard from Admiral Hornby that when he was informed of the temporary occupation of Tigre Island, knowing by previous communications which he had received from Her Majesty's Government that Her Majesty's Government did not wish that such a measure of reprisal should be resorted to as long as any other means of obtaining satisfaction could be used, he had immediately, and without waiting for any further

<sup>1</sup> Despatches, Great Britain, vol. 60; enclosure with Lawrence to the Secretary of State, No. 33, February 15, 1850, below, this part, doc. 2898.

<sup>2</sup> Above, this part, doc. 2893.

Instructions from home, sent orders that the detachment which had been placed in occupation of Tigre Island should be withdrawn. Tigre Island has therefore long before this time been evacuated by Her Majesty's Forces. But Her Majesty's Government must not on that account be considered as giving up in any degree the claims which it has made on the Government of Honduras, and must hold itself free to use whatever means the Law of Nations may allow for obtaining the redress which it demands, if that redress should continue to be withheld.

With regard to the Declaration contained in the Letter which the Undersigned addressed to M<sup>r</sup> Lawrence on the 13<sup>th</sup> of November last<sup>1</sup> stating that Her Majesty's Gov<sup>t</sup> do not intend to occupy or colonize Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, it is unnecessary for the Undersigned to say that Her Majesty's Gov<sup>t</sup> abide by that assurance; and it can scarcely be requisite for the Undersigned to point out to M<sup>r</sup> Lawrence that the arrangement made by M<sup>r</sup> Squier for the cession of Tigre Island to the United States<sup>2</sup> would, if adopted by the Government of the United States, be entirely at variance with the declaration contained in M<sup>r</sup> Lawrence's Letter of the 8<sup>th</sup> of November,<sup>3</sup> to which the abovementioned Letter of the Undersigned was a reply.

With respect to the other small Islands in the Bay of Fonseca belonging to the State of Salvador, on which M<sup>r</sup> Chatfield had declared a lien as a pledge for the satisfaction which was required from the State of Salvador, Her Majesty's Government have been informed by Despatches recently received from M<sup>r</sup> Chatfield that the Government of Salvador had made a satisfactory arrangement for the adjustment of those claims, and that he had therefore withdrawn the lien from those Islands.

The Undersigned [etc.].

2898

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States<sup>4</sup>*

No. 33

LONDON, February 15, 1850.

SIR: I had the honor to transmit by the last mail enclosed in my despatch No<sup>o</sup> 29, a copy of my note to Lord Palmerston dated Feb<sup>y</sup> 8. 1850,<sup>5</sup> relative to

<sup>1</sup> See the first document of that date from Lord Palmerston, above, this part, doc. 2878.

<sup>2</sup> See the thirty-fifth article of the treaty between the United States and Honduras, dated September 28, 1849, above, vol. III, p. 393, note 2; and also the protocol attached to that treaty.

<sup>3</sup> Above, this part, doc. 2876.

<sup>4</sup> Despatches, Great Britain, vol. 60. Received June 10.

<sup>5</sup> No note from Lawrence to the British Secretary of State for Foreign Affairs, dated February 8, 1850, was found with Lawrence's despatch No. 29, dated February 8, 1850, but there were two enclosures with it, dated January 30 and February 7, 1850, relative to the seizure of Tigre Island, which are apparently the documents to which he intended to refer. See this despatch and its enclosures, under the above dates, above, this part, docs. 2896, 2893, and 2895.

the seizure of Tigre Island by M<sup>r</sup> Chatfield. I have now the pleasure to transmit Lord Palmerston's reply which was received at this office on the 14<sup>th</sup> inst.<sup>1</sup> Tigre Island having been abandoned by the British Government, and its occupation disavowed: and the legality of such seizures and blockades not being now under discussion, I have not deemed it my duty to make any reply to this note, but shall await your instructions before moving farther in the matter.

I have the honor [etc.].

2899

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>2</sup>

No. 35

LONDON, February 22, 1850.

SIR: I had the honor to receive on the evening of the 18<sup>th</sup> inst. through the British Foreign Office, your despatch of Feb<sup>y</sup> 2<sup>d</sup>, without number,<sup>3</sup> enclosing a copy of a proposed convention between Great Britain and the United States, relative to interoceanic communications, and rejoice to learn that this important negotiation is about being brought to a harmonious conclusion. I have examined these papers with deep interest, as the subject to which they relate has, as you well know, for sometime past occupied my best thoughts and constant attention. And although I had hoped, after the success that had attended my labors thus far, to have had the satisfaction of concluding a treaty embodying the results of the propositions and suggestions I had laid before Lord Palmerston, yet, having entertained the impression for some weeks past, from my knowledge of the circumstances under which he was placed, that Sir Henry Bulwer had received full instructions to settle the question with yourself at Washington, I am not surprised at the intelligence you communicate; and I rejoice that this controversy is in a fair way of being adjusted to the satisfaction of our Government, and in accordance with the permanent interests of the Nation. I congratulate you that you have been the instrument in consummating a treaty, the results of which, if the canal be constructed, will testify through all time to the honor of all concerned in originating so great a blessing to mankind.

The Conditions of this Convention appear to be substantially the same that Lord Palmerston intimated to me his willingness to accede to in an interview I had with him about the first of Dec<sup>r</sup> last: and in consequence of this interview, which was very free and full, I addressed to him my note of the 14<sup>th</sup> of Dec<sup>r</sup>,<sup>4</sup> which I am happy to learn has met the approbation of the President. Under your instructions,<sup>5</sup> both in the interview and the note, I

<sup>1</sup> See above, this part, dated, however, February 13, 1850, doc. 2897.

<sup>2</sup> Despatches, Great Britain, vol. 60. The receipt date was not indicated.

<sup>3</sup> Not found.

<sup>4</sup> Above, this part, doc. 2887.

<sup>5</sup> From the content of the remainder of this sentence, Lawrence presumably refers to the instructions contained in No. 4 to him, October 20, 1849, above, this volume, pt. I, doc. 2697.

pressed strongly the necessity of the abandonment of the British protectorate of Mosquito, believing that ultimately, if it should be continued, differences might arise between Her Majesty's subjects and citizens of the United States, both of whom are certain to be drawn there whenever the construction of the Canal is commenced. And to enable myself to discuss this question in a satisfactory manner, and to completely show the futility of the English claim, should it become necessary, I had, at a considerable personal expense and labor, collected the materials for a history of the connection of Europeans (both English and Spanish) with the Mosquito Indians, from the discovery of the Country by Columbus to the present time. As this question may hereafter arise for discussion, I have thought it not unlikely that you would wish to have the result of these labors in the archives of the Department. I shall therefore proceed at once to draw up a brief memoir upon this subject, which, when completed, will exhibit Her Majesty's Government in anything but an enviable light, and hope to send it to you by the next steamer.

I am happy to have received the President's and your own approbation of my course as Minister of the United States, and hope that my future conduct may be such as to command a similar approval. I desire also to express my acknowledgments and thanks for the sympathy with the illness under which I have suffered, expressed in your note. It gives me great satisfaction to state that I am now convalescent, and hope to be able in a few days to resume my social duties. I shall take an early opportunity to see Lord Palmerston, and press upon him, under your instructions, the necessity of the ratification of such a treaty as may be concluded between yourself and Sir Henry Bulwer. There can be no doubt, I think, that, if it conforms substantially with the draft accompanying your note, it will be ratified by Her Majesty's Government without delay.

I have the honor [etc.].

P. S. I have just received a note from M. Molina, the Minister from Costa Rica, with whom I have had interviews, and enclose a copy, with a copy also of my reply.<sup>1</sup>

<sup>1</sup> They follow:

*Felipe Molina, Costa Rican Minister to Great Britain, to Abbott Lawrence, United States Minister to Great Britain*

LONDON, February 21, 1850.

SIR: I have the honor to assure your Excellency by writing, that my Government will accept any arrangement which the United States may enter into with Great Britain, for the purpose of settling through a combined arbitration of both Powers, the question of boundaries now existing between Costa Rica, and Nicaragua.

I beg likewise to state that I am authorized for the adjustment of a Treaty of Amity, Commerce, and Navigation between our respective Countries, and if your Excellency has no objection, we could do it here in London.

I take this opportunity [etc.].

2900

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States<sup>1</sup>*

No. 37

LONDON, March 8, 1850.

SIR: Since I had the honor to address to you my despatch N° 35,<sup>2</sup> I have received from you no official communications relative to Central America. I learned with deep regret that the arrangement proposed to be entered into with the British Minister at Washington is for the present suspended. I had in preparation a paper which I had intended to have sent by this mail to you, upon the History of the British and other European connection with the Mosquito Indians, which I thought would be useful for reference in the State Department. I now deem it proper to retain the paper, as the question may be argued here. If, however, the President desires to examine the grounds upon which Great Britain founds her claims to be the Protector of these Indians, I will complete and forward the document on receiving an intimation of such desire. I hope that this troublesome question may be settled in Washington. Yet I am quite ready to proceed with the negotiations whenever I receive instructions.

There is nothing of political importance transpiring in Europe, to my knowledge, beyond what may be seen in the Public Journals.

Mr. Bancroft enclosed in his despatch N° 143 a copy of a Treaty between Belgium and Nicaragua.<sup>3</sup> I am told by M. Marcoleta, the Chargé from the latter Power, that it was only *loaned* to M<sup>r</sup> Bancroft, and he has requested me to ask for its return.

I have the honor [etc.].

*Abbott Lawrence, United States Minister to Great Britain, to Felipe Molina, Costa Rican Minister to Great Britain*

LONDON, February 22, 1850.

SIR: I have the honor to acknowledge the receipt of your note of yesterday [Above, in this footnote.—Ed.], accepting in the name of Costa Rica the arbitration of the United States and Great Britain in the settlement of the questions of boundaries now existing between that State and Nicaragua, and offering to negotiate a treaty of Amity, Commerce, and Navigation, between Costa Rica and the United States.

Having no authority to conclude such a treaty, I have this day transmitted a copy of your note to Washington, that the subject may be brought to the notice of my Government.

The negotiations between the United States and Great Britain relative to Central America, I think, will soon be brought to a close: and I can see no reason, at present, why the United States should not conclude with Costa Rica such a treaty as you propose.

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 60. Received August 6.

<sup>2</sup> Above, this part, February 22, 1850, doc. 2899.

<sup>3</sup> This treaty is not included in this publication and neither is it commented upon in Bancroft's No. 143, above, this part, dated merely August, 1849, doc. 2868, in which it was enclosed.

2901

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton,  
Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 38

LONDON, March 22, 1850.

I have heard nothing more of the Central American affairs, except through the newspapers of the City of New York. In accordance with the instructions contained in your various private notes,<sup>2</sup> I shall not proceed farther with the negotiations on that subject, till I am directed to by you. I cannot but hope you will accomplish the work at Washington.

It would be a source of the highest satisfaction to me to learn that the question which has so long agitated our country, and caused so much sectional feeling since the meeting of Congress, was settled. I entertain no fears for the safety of the Union. There is too much strong common sense in every part of our great Country, to allow its integrity to be assailed either from within or without. I have thought the views of the President were fair and rational, and such as right minded men of all parties would be likely to adopt. One point, I think, is certain—that whatever may be the decision of Congress, the Union will stand.

There is no good map of the United States to be bought in London.

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 60. The receipt date was not indicated.

The portion omitted at the beginning relates chiefly to correspondence not pertinent to this publication.

<sup>2</sup> No private letters from Clayton to Lawrence on Central American affairs were found in the archives of the Department of State, but among the Clayton Papers in the Library of Congress, there are several letters from the latter to the former. In this despatch he presumably refers to those dated February 15 and 18, 1850. In the first of these, Lawrence was instructed to say to Lord Palmerston, the British Secretary of State for Foreign Affairs, that the *projet* (see reference to proposed convention in Lawrence's despatch No. 35, February 22, 1850, above, this part, doc. 2899) was to be considered null and void unless Great Britain would agree to abandon her alliance with and protectorate over the Mosquito Indians. It is also stated in that letter that, although Great Britain agreed not to occupy, colonize, etc., the Mosquito territory, for herself, she might consider herself at liberty to do so [occupy, colonize etc.] "in right of the Mosquito King," and that it was believed that she took San Juan, at the time of the Guadalupe-Idalgo negotiations in order to close the gateway to the western part of the United States. In the letter of the 18th, Lawrence was instructed to propose no further terms until so instructed, but was told that he could argue the question of the Mosquito title as much as he pleased. This letter also stated that Sir Henry L. Bulwer, the British minister to the United States, would not accept the proposal to make the territory neutral on both sides of the Nicaraguan canal for "100 miles more or less."

2902

*Henry Lytton Bulwer, British Minister to the United States, to John M. Clayton, Secretary of State of the United States<sup>1</sup>*

BRITISH LEGATION, *March 24, 1850.*

SIR: With reference to the letter addressed to you by M<sup>r</sup> Crampton under date of August 7, 1849<sup>2</sup> relative to the beneficial effect produced by the measures taken by the United States Government to check the Slave Trade carried on by the Slave Traders of Brazil under the United States Flag at Rio de Janeiro, I have now the honour to inclose herewith for your information a copy of a despatch which has been received by Viscount Palmerston from Her Majesty's Chargé d'Affaires at Rio<sup>3</sup> reporting that the Authorities of the United States in Brazil had not continued to exert the same degree of vigilance as before, and that United States Vessels were consequently again much employed by the Slave Traders of Brazil, and I have been instructed to urge the United States Government to issue Instructions to their Diplomatic and Naval Officers in Brazil and its waters to renew that system of Repression which, while it lasted, was so successful.

I avail myself [etc.].

<sup>1</sup> Notes from Great Britain, vol. 27. The receipt date was not indicated.

<sup>2</sup> Not included in this publication, since its content is adequately reviewed within this note.

<sup>3</sup> It follows:

*James Hudson, British Minister to Brazil, to Lord Palmerston, British Secretary of State for Foreign Affairs*

No. 35

RIO DE JANEIRO, *November 13, 1849.*

MY LORD: With reference to my despatch No 10 of the 9<sup>th</sup> of June [Not included in this publication.—Ed.] reporting to Your Lordship that French Vessels were at that date being employed in Slave Trade, in consequence of the vigorous measures of the United States Authorities in this Capital which had prevented the employment of United States Vessels in that trade I have now the honour to inform Your Lordship that as the Authorities of the United States here have of late relaxed those vigorous measures American vessels are again in full employment by the Slave Dealers in this Country, & are preferred by them to French Ships; the latter therefore now find more honest employment.

One of the most notorious Slave Dealers in this Capital when speaking of the employment of American Vessels in Slave Trade said a few days ago "I am worried by Americans who insist upon my hiring their Vessels for Slave Trade."

It is due to the Chargé d'Affaires of France at this Court, Mons<sup>r</sup> de St Georges to state that he viewed with great concern & disgust the employment of French Vessels in Slave Trade, & that he used every means at his disposal in order to check it— He prevented on his own responsibility the employment of some French Vessels in Slave Trading voyages.— He demanded the extradition of French Citizens engaged in Slave Trade: He has employed coercion and entreaty in order to prevent his Countrymen & his Country's Flag from engaging in Slave Trade: but never having been supported and sustained by the presence of French Vessels of war permanently stationed at this Port, he has not had it in his power to act with the vigour he desired, & thus unassisted and unsupported, he has been unable to contend with the tacit encouragement which every adventurer who embarks in Slave Trade receives from the Brazilian Authorities.

I have [etc.].

2903

*Henry Lytton Bulwer, British Minister to the United States, to John M. Clayton, Secretary of State of the United States<sup>1</sup>*

BRITISH LEGATION, March 24, 1850.

SIR: With reference to my letter of this day's date on the subject of the Slave Trade carried on at Rio de Janeiro in United States Vessels, I transmit to you herewith a list of United States Vessels<sup>2</sup> which cleared at the Custom House of Rio for Ports on the American Continent during the months of August, September, and October last, but which are understood to have proceeded to the Coast of Africa for Slaves.

I avail myself [etc.].

2904

*Henry Lytton Bulwer, British Minister to the United States, to John M. Clayton, Secretary of State of the United States<sup>3</sup>*

BRITISH LEGATION, March 27, 1850.

SIR: I have the honour to inform you that I am authorised to state that should the inclosed project of a Convention<sup>4</sup> with which you are already acquainted be agreeable to the United States Government, that of Her Majesty would be willing to agree to, and has given me full Powers to conclude the same, with a view of thereby facilitating and protecting the construction of a Ship Canal between the Atlantic and Pacific Oceans, and also with a view of still further consolidating the present friendly and intimate

<sup>1</sup> Notes from Great Britain, vol. 27. The receipt date was not indicated.

The Secretary of State's reply to this and the preceding document, of the same date, is not included in this publication. It was dated April 4, 1850, and merely stated that copies of the British Minister's two notes and their enclosures had been sent to the Secretary of the Navy and to the United States Minister at Rio de Janeiro. For the instruction to the latter, April 4, 1850, see above, vol. II, doc. 477.

<sup>2</sup> It follows:

*List of American Vessels cleared at the Custom House of Rio Janeiro for Ports on this side the Atlantic during the three months of August, September, and October 1849, but which proceeded to the Coast of Africa for Slaves*

Date of Clearance	Class	Name	Nominal Destination
1849			
August 6.	Brig.	Rio de Zaldo	Rio Grande
" "	Barque	Hannibal	River Plate
" 30	Brig.	Imogene	D <sup>o</sup>
September 1.	"	Snow	Pernambuco
October 1.	Brigsch	Casco	United States
" 16	Schooner	Rival	Rio Grande
Not Published	Brig—	Overman.	Not ascertained.

<sup>3</sup> Notes from Great Britain, vol. 27. Received April 17.

<sup>4</sup> Not found.



relations between the two great Commercial Nations which would be the Contracting Parties to this arrangement.

I have furthermore to state that if the aforesaid Convention should be entered into I have the express order, at the time of its Signature, to declare with reference to the engagement taken by Viscount Palmerston's letter to M<sup>r</sup> Lawrence dated the 13<sup>th</sup> of November last <sup>1</sup> that the British Government has no intention to make use of the protection which Great Britain affords to the People of Mosquito for the purpose of doing, under cover of that protection, any of the things the intention to do which is disclaimed in the letter to M<sup>r</sup> Lawrence above referred to.

Moreover after the Convention in question shall have been signed Her Majesty's Government would be happy to concert with the Government of the United States as to the mode and form in which the engagement contained in the 6<sup>th</sup> Article of the draft of [the] Convention should be carried into effect: Whether by Treaties with other Powers comprizing Stipulations in harmony with those contained in the proposed Convention between Great Britain and the United States or by Treaties of accession; And Her Majesty's Government are of opinion that if Treaties of accession should be adopted, the Convention should be annexed to each of such Treaties, accompanied by an engagement to adopt the principles and stipulations therein recorded, so far as they may be applicable to the acceding Power.

I avail myself [etc.].

2905

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 39

LONDON, *April 5, 1850.*

I have nothing new to communicate on the affairs of Central America. I find myself unable to proceed with the negotiation in any form, until I receive instructions from you. My note to Lord Palmerston of the 14<sup>th</sup> of December <sup>3</sup> remains unanswered, and perhaps you are not aware that there is not a word upon the files of this Legation upon the subject of the negotiation from your department since I transmitted a copy of that communication to Washington.<sup>4</sup> I am unable to comply with the request (intimated in your private notes) <sup>5</sup> to argue the question of the protectorate

<sup>1</sup> See the first document of that date from him, above, this part, doc. 2878.

<sup>2</sup> Despatches, Great Britain, vol. 60. Received April 22.

The omitted portions at the beginning and end of this despatch relate to an extradition case, the adjournment of Parliament, and to an exhibition.

<sup>3</sup> Above, this part, doc. 2887.

<sup>4</sup> It was enclosed with Lawrence's despatch No. 20, December 28, 1849, above, this part, doc. 2888.

<sup>5</sup> Concerning Clayton's private letters to Lawrence, see above, this part, p. 357, note 2, the first sentence in that note.

of the Mosquitoes, first, because I am not informed of the present state of the negotiation at Washington, and, secondly, because that question is inseparably connected with every other point under discussion—in fact, *it is the question at issue*. I think this Government is ready to yield every thing else, but the protectorate of the Mosquitoes. Of one point I am quite certain, that whenever the history of the conduct of Great Britain shall be published to the world, it will not stand one hour before the bar of public opinion without universal condemnation. I hope the word “occupy” used in the convention may receive such a construction here as to enable Sir Henry Bulwer to settle the question in Washington. I am however entirely prepared to re-enter upon the negotiation whenever you may instruct me to do so.

## 2906

*Henry Lytton Bulwer, British Minister to the United States, to John M. Clayton, Secretary of State of the United States<sup>1</sup>*

BRITISH LEGATION, April 19, 1850.

SIR: I have had the honour of receiving your communication of 19<sup>th</sup> instant,<sup>2</sup> inclosing the project of a Convention between the two Governments of Great Britain and the United States which originated in our mutual conferences and consultations shortly after my arrival in this Country and which you now state to be in such a shape as enables you to sign the same with the full approbation of the President.

I need not observe, after reading through the project in question as now transmitted to me, that I have to remark therein some slight deviations from the original text of the project which I submitted to Viscount Palmerston's approval; but as it is important that in the present situation of this affair no further time should be lost in bringing it to a conclusion, and as the alterations I thus allude to are either merely verbal or in accordance with the general spirit of my general instructions, and have been adopted by us conjointly for various reasons which have appeared expedient for the furtherance of those objects, which our treaty specifies, I am prepared to sign the said treaty on behalf of Her Britannick Majesty, and will do so at such time as you may appoint for that purpose.

In regard to the other portions of your communication I might perhaps be justified in expressing some regret that any treaty connected with the subject engaging our attention should have occupied the consideration of the Senate, before the Convention we are about to sign had been submitted to it. But such is my profound conviction of the great judgment and ability which

<sup>1</sup> Notes from Great Britain, vol. 27. The receipt date was not indicated.

<sup>2</sup> Above, this volume, pt. 1, doc. 2704. The enclosure with it, mentioned below in this note, was not found.

illustrate the distinguished body before which these Treaties will be brought, as well as my confidence in the superintending wisdom of the President in whom resides the power of ratification that I do not in the least fear but that the Convention which we sign will receive every due consideration, and that if it should be finally approved of by the one and ratified by the other, nothing will be approved of or ratified in any other Treaty contrary to the spirit and intentions manifest in our engagements.

Permit me to add that I entirely sympathize with you in the belief that the bonds of friendship which unite our two great and kindred nations will be honourably strengthened by a Convention which has for its object the construction and protection of a great work which we intend should confer equal benefits on all the Nations of the earth. Indeed the whole Treaty which we are now about to conclude manifests a spirit of conciliation and peace, of generous and unselfish zeal for the universal interests of Commerce and civilization that will I am persuaded do credit to our respective Countries and afford no unworthy example to the world.

It is I can assure you a subject of sincere gratification to me that in negotiating a measure which so completely represents the views of Her Majesty's Government, I had the great advantage of being associated with you, and although I claim but a small share in the merit of bringing this important business to a happy termination I shall always remember with pride and pleasure the negotiation in which we have been engaged together, were it only on account of the expressions of esteem and regard with which you honour me, and which faithfully represent the sentiments of sincere friendship and high consideration which I avail myself of this opportunity to offer to you.

2907

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States<sup>1</sup>*

No. 44

LONDON, April 19, 1850.

SIR: Not long after my arrival in this Country, I became satisfied that there was a very serious difference of opinion between Great Britain and the United States, relative to the Protectorate claimed by the former over the Mosquito Indians: and thinking it most probable that I should be called upon officially to defend this difference upon our part, I early commenced, and have steadily pursued, the investigation of that question, using the great means which my locality has placed in my power. I have from time to time kept you informed of my labors: but have never deemed it necessary to acquaint you with their results, as I have supposed, from the tenor of your

<sup>1</sup> Despatches, Great Britain, vol. 60. The receipt date was not indicated.

public, as well as private notes,<sup>1</sup> that the discussion of this question would take place here, if at all. I now learn from your private note of the 31<sup>st</sup> ult., that these negotiations are entirely transferred to Washington, and that I am to cease altogether pressing them here. In this event I have thought you would most probably wish to be possessed of the materials I had provided for myself. If in submitting them I travel over ground familiar to you, or omit much your sagacity had detected, you will pardon me in view of the haste with which this is finally reduced to form, and in view also of the earnest desire which actuates me to do all in my power to advance the public interests.

You are aware that the British Argument for the independence of Mosquito rests on the following grounds. I. A denial that Spain ever acquired a title in the territory in question— II:—the assertion that whatever show of title she had was abandoned by the treaty of 1670, in view of a long previous and then existing "possession" of that Country by England: which possession, it is said, was subsequently maintained, and further fortified by the submission of several Mosquito Kings in succession, and was in existence at the time of concluding the Treaties of 1783 and 1786:—and III—the claim that, whatever might have been the former legal condition of these Indians, or whatever might have been the just construction of the Treaties of 1783 and 1786, yet, when the States of Central America threw off allegiance to Spain, and worked out their independence, those Treaties became by that very act nullities as to those States, at least until their political recognition by Spain, which Lord Palmerston asserts has never been diplomatically done: and that, in consequence of the want of such recognition, those States are incapable of inheriting *any* Spanish rights in Mosquito, whether acquired by discovery, conquest, occupation, treaty, or any other way; but must show, to avail, a title acquired by themselves, independently of the mother country.

I can obtain more directness in this note by making a denial of these propositions its basis.

Before entering upon their discussion, however, I desire to say a word as to the Geographical limits of Mosquito, which are by no means accurately defined, even in the claim made by Her Majesty's Government.

There is, on the Eastern coast of Central America, between Cape Honduras on the North and the San Juan river on the South, (possibly extending as far even as Boca del Toro) a tract of low, swampy, unhealthy land, of a various width, and rising in its western border into highlands and mountains. The lower part of this country has never been much occupied by Europeans in consequence of its insalubrity. The mountainous parts are said to contain but little valuable mineral stores. At the time of the discovery by

<sup>1</sup> Concerning Clayton's private letters to Lawrence, see above, this part, the first sentence in note 2, p. 357; and for Clayton's public instructions to him, pertinent to this publication, see above, this volume, pt. 1, *passim*.

Columbus, and until within a comparatively recent period, it was inhabited by some fifteen or sixteen tribes of Indians, speaking different languages, and often at war with each other: and among others there was a tribe known as the Mosquitos (so called by the early voyagers, from the abundance of *Moscas* found on the coast) living between Cape Honduras and Cape Gracias à Dios [Gracias á Dios]. They gradually overcame, and almost exterminated the more Southern tribes, aided perhaps by the Buccaneers: and by degrees the name of Mosquito came to be applied to all living north of the Bluefield [Bluefields]:—and I think in all the discussions of the last century relating to this subject, the Mosquito country was never understood to extend far, if at all, below that river. It is now defined by Lord Palmerston as reaching to the San Juan river, embracing the northern bank so as to take in San Juan de Nicaragua, (anglicised into Grey Town) and command the mouth of the river. In my opinion it is quite immaterial where the Royal Geographers are directed to draw the line, as I am satisfied the whole claim is without just foundation. All the good maps of the sixteenth, seventeenth, and eighteenth centuries, French, Spanish, Dutch, and *English*, carry Honduras from coast to coast, Nicaragua the same, and fix the southern terminus of Mosquito shore at or near where I have indicated.

The character of the Indians at present occupying this country deserves notice, since Great Britain seeks to invest them with the attributes of an independent nation.

In the year 1836 one James Woods, a native of Ipswich in the County of Suffolk, allured by the promises of an emigration company, set sail for Vera Pas [Paz?]. On his return in 1840, he published a sketch of his adventures in Central America, to serve as a warning against similar companies. Among other places, he resided a while at Cape Gracias à Dios, in charge of a store of provisions, rum, &c. &c. He says—"The rum was a dangerous thing in the store, for the Indians will kill a man for the sake of a glass of rum, and there were only five Europeans on the Cape. I had a demijohn of Brandy for the Indian King, but he was gone up the river. He and his brother were taken from the Mosquito shore when young, and carried to the Island of Jamaica, where they were taught to read and write the English language. After staying there for several years, they were brought back to the Mosquito shore. One was made King, the other a General, and although brought up in a civilised state, yet they returned to the wild and savage state in which their people live, getting drunk, and giving themselves up to the most disgusting habits. No sooner had the King heard I had a demijohn of Brandy for him, than he set out to return home. He went to the house of a Frenchman named Bouchet, who came down to the store, and told me his majesty wished to see me. I went up to the house, where the King was lying on a bed rather unwell. I made compliments to him, and asked how he did: he told me he was very poorly, and that he wanted me to draw him a gallon of

brandy. Accordingly I went down to the store, and drew him a gallon, which I carried to him. He asked me to drink, and stay and dine with him, which I did. He told me that he loved me: I replied, you love the brandy better: but I turned it off with a laugh, or he would have been offended with me. He stayed for two or three days, and then left for Bluefields. These Indians far exceed all the Indians I have ever met with in lying, thieving, and everything that is disgusting. They are given up to idolatry, and lead an indolent life."

After giving details of their ignorance and barbarism, he adds—"They are also great drunkards, and are never easy but when they are drunk"—And of the English settlers on the shores, he says,—they "are almost as bad as the natives, and live in almost as disgusting a manner." This strong picture, painted by an Englishman, is borne out by the personal relations of many other travellers.

The historical portion of this paper will relate not to Mosquito alone, but to Central America, from Tehuantepec to Panamá [Panamá]. The naval and military operations of the Spaniards were so extensive, their conquests were so complete, and their settlements were so rapid and numerous, that it is impossible to separate the conquest and colonization of that part of Nicaragua and Honduras called the Mosquito coast from the subjugation and settlement of that portion of them to the West of the indefinite line swaying across their interior at the will of the Foreign Office.

With these preliminary statements I now arrive at an examination of the positions taken by Her Majesty's Government.

The first is a denial that Spain ever acquired any right in Mosquito.

The complete discussion of this proposition necessarily requires a twofold argument—the one purely legal, the other purely historical;—the one a general inquiry into the means of acquiring exclusive sovereignty or domain in such a country as Central America, as settled by the practice of Nations and the opinions of Jurists and Statesmen,—the other a particular examination into the question whether Spain or her representatives had taken the necessary steps to acquire such. As it would be worse than useless with you to enter at length upon the first, I will content myself with a statement of such general principles as are necessary to the understanding of what I have to say as to the second.

The discovery of a new continent, rich and fertile, peopled by Tribes of Hunters, gave to the more civilised Europeans (in their own judgment) the right to take possession of it, to people it, and to open its resources. Public and private enterprise carried to its shores in the course of a few years adventurers from many nations, who made almost cotemporaneous discoveries: and it became necessary to define the nature of the rights acquired by the discoverer, both as between himself and the native, and himself and other discoverers. As emigration or military expeditions receded from the coast

into the country, and the extent of coast rights came under discussion, these conflicting claims became more complicated: but fortunately, the complete exploration and settlement of Central America at a very early day entirely do away with the necessity of entering upon this difficult ground.

The Christian world have agreed in recognising the Indians as *occupants*, only, of the land, with a right to possession, without domain. Absolute sovereignty was in each case acquired by discovery to the Government by whose subjects, or under whose authority the discovery was made, subject only to the Indian right of occupation, which the discovering power possessed the exclusive right of acquiring at such time and in such manner as it might think best: provided the discovery was consummated by a subsequent possession, not of the whole, but of some point in the Country claimed. As a necessary result the occupying Indians became the *quasi* subjects of the Discoverers, who alone had the right of regulating their relations with them, and might justly consider "an attempt to form a political connection with them, as an invasion of territory, and an act of hostility." The possession requisite was not that of an active settlement: neither was it ever held necessary that the Aborigines should be conquered.

I might fortify these views by a long display of authority. I could cite Vattel, Kent, Grotius, and other legal writers: I could call to my aid Chief Justice Marshall, whose luminous opinions have never been surpassed: I could quote from the official arguments and correspondence of English, French, Spanish, and American Statesmen, and Diplomats: I could point to the universal polity of the Christian world: I could show with confidence what has been the conduct of Portugal in Brazil, and of France in the Canadas and in Louisiana: I could examine the history of Spanish discovery and conquest from Oregon to Patagonia,—from 1492 to 1820,—exhibiting the admitted acquisition of vast empires by the former process, and their transfer, (as in the case of the Floridas) without a reduction to possession by the latter: above all, I could rely on the precedents furnished by the English efforts at colonisation—on the claim to extend the thirteen Atlantic colonies to the Mississippi—on the conflict with France on the Ohio in the middle of the eighteenth century—on the treaty of peace with the United States in 1782—and, still later, on the difficulties with the French in Australasia since the peace of 1815. But it would be needless to quote these authorities at length, since they are doubtless more familiar to you than to me. I am left, therefore, in this connection, only to show that Spain *discovered*, Central America, and *occupied* it. I believe that she did much more—that she discovered, circumvalleted, explored, conquered, settled, retained possession of, and governed it, with only such interference as the rudeness of the time permitted, or rather could not prevent.

The principal authorities for the early history of Central America are Oviedo, Peter Martyr, Gomara, Enciso, Cortes [Cortés], Las Casas, Herrera,

Torquimada [Torquemada], Remesal, Cogolludo, Wytfleit, De Laet, Ogilby, Villagutierre, Sanson, Moll, Jefferys, Navaretto [Navarrete], Juarros, Linschot, Boterro [Botero], Hakluyt, Purchas, Alcedo, &c. &c. I have caused all these to be carefully examined and compared with many other writers, Spanish, English, Dutch, and French. The following facts are derived chiefly from the above sources.

Columbus, in his fourth voyage, first made land on the North American continent at Cape Honduras, near the present town of Truxillo, on the 17<sup>th</sup> of August 1502; and thence proceeding easterly, shortly afterwards entered the mouth of Black river, and in accordance with his instructions landed, and took formal possession of the country, in the presence of the unresisting natives, in the name of the crown of Castile. In the early Spanish maps this river is called the Rio del Possession, a name given it by Columbus himself in commemoration of this event. He next touched and took possession at Cape Gracios à Dios, where he remained a short time, holding friendly intercourse with the natives, whom he described more favorably than he did their country. Thence he coasted leisurely southward toward Veragua, communicating often with the inhabitants, and touching particularly at the Bluefields river, and at the mouth of the San Juan.

The results of this voyage being known in Spain, expeditions were fitted out at different times under various commanders, which reconnoitered thoroughly the entire coast from Darien to the Bay of Honduras, penetrating even to the extremity of Golf [Golfo] Dolce, and thence along the coast of Yucatan. Much intercourse was held with the natives, and every river and bay was penetrated to find the supposed strait to the land beyond the Ganges: for this country was then believed to be an Island, or part of India, and the Spaniards were not fully disabused of the idea until the discovery of the Pacific by Balboa in 1512. After this event expeditions sailed from year to year along both the Atlantic and Pacific coasts, with the double purpose of discovering the supposed passage connecting the two oceans, and of exploring, conquering, and settling the Country: and so rapidly were the latter objects accomplished, that by the year 1530, not only the Pacific coast from Panama to the Gulf of Fonseca had been reconnoitred, but the interior, from Tehuantepec to Veragua, had been crossed and recrossed, many tribes of Indians had been subjected, and towns had been built under the commands of the two d'Avilas, Olid, Francis de Las Casas, Cortes, Alvarado, Gringalsa, Cordova, Roxes, Montejo &c. &c. From the nature of the country, as I have already described it, the principal settlements were made near the Pacific coast, but the Spaniards did not neglect to consummate their title on the Eastern shore. Truxillo, Omoa, and other towns on the bay of Honduras were founded in 1524: Roxas attempted a settlement at Cape Gracios à Dios in 1530, which he found impracticable from the nature of the country: Merida was founded in 1542: Valladolid in 1526, and rebuilt in 1543: Cam-



peche in 1540: and in the interior many towns were built (as Olancho, Comayagua, Segovia, &c). Before 1530 the greater proportion of the very numerous tribes of Indians were subjected to the Spanish authorities, either by the military, or the ecclesiastical power: for, after the coming of Las Casas, the missionaries did nearly as much as the soldiers in controlling the Aborigines. Nicaragua and Honduras are reported to have been most densely populated at the time of the discovery: but scarcely half a century had elapsed, before nearly nine tenths of the Natives had faded away before their bloody conquerors. As early as 1524, Cortes wrote to the Emperor Charles V that only two of the many tribes of Honduras remained unconquered. Shortly after these yielded to the power of Alvarado. Some fled to the mountains and the country now known as Mosquito, where they remained unmolested, protected by their own weakness, and by the want of mineral wealth in the soil on which they had taken refuge. They were shielded, too, by a still stronger arm, Spain, ever jealous of the interference of other European powers in her traffic, left this region unsettled, to be a barrier between the Atlantic and the golden regions of the West. But though she neglected to cultivate, she never neglected to protect and defend. Guarda Costa were early established, to protect the coast, and watch over the argosies, as they set sail for the old world.

The natives of Mosquito were thenceforward constantly under the influence both of the Franciscan and Dominican orders of missionaries. From 1575 to a very late period, Spanish missionaries have almost always resided by order of Government, among the numerous tribes of Mosquito. Sometimes as many as twenty at a time were there, exerting a great influence in softening the barbarity of those savage tribes. It is true that many of them were subjected to the most revolting cruelties, and suffered death itself: yet in almost every instance, these were caused by the hostilities and treacheries of these warlike tribes among themselves, and not, as the English writers assert, by their hatred of the Spanish yoke. The missionary was destroyed, not by the tribe with which he lived, but by its enemies. Fortunately the histories of the Franciscan and Dominican orders give ample details of these extraordinary missions.

I think I have now established all I promised with reference to the discovery, conquest, and settlement of this country by Spain. It is not to be concealed, however, that the exaggerated accounts of her wealth and the value of her commerce, soon attracted hostile parties to these shores, who in process of time increased in power, and became the foundation for claims adverse to her territorial rights on the Mosquito coast. This brings me to a notice of the Buccaneers, or Pirates of the West Indies.

The early Buccaneers were composed of English, French, Dutch and Portuguese adventurers. The private enterprises of Drake and his contemporaries are well known. Like all other Buccaneer adventures for half a

century later, they were directed against the Spaniards, only because Spain was the wealthiest and most commercial nation, and therefore the best object of plunder. During time of war (and it should be borne in mind that Spain was almost constantly at war with some European power) these Pirates managed to get from unscrupulous Governments letters of reprisal, and sometimes sailed under English, sometimes under French, sometimes under Dutch, and sometimes under Portuguese commissions, as the case might be. Spain treated them all alike as Pirates. England, in those days, so far from availing herself of their acts disclaimed them. The Spanish Ambassador at London repeatedly remonstrated against their depredations, and was always met with a disavowal. By the time of Cromwell, they had become very numerous. Spain increased her Guarda Costa, and sought to protect herself by destroying them: but this only served to unite all shades and nations together under a kind of Piratical Republic of the Sea. Meanwhile England, France, and Holland had each gained a footing in the West Indies. The Pirates had grown so numerous that no power was exempted from their depredations. England felt their influence, and was about negotiating with Spain for their overthrow, when the difficulties between Charles and his Parliament interfered to prevent. When the negotiations were renewed with Cromwell, he put off the conclusion of a treaty, till he could secure some conquest in the West Indies, and despatched secretly an expedition against Cuba, which, failing in its object, won Jamaica in 1655 to English dominion. Then England offered to negotiate, and define the respective rights of England and Spain, but the latter refused. Immediately after the conquest of Jamaica, the Governors of that Island turned their attention to the Pirates; and, finding their reduction too difficult a work, sought to take advantage by regulation of what they could not destroy by force. The stringent measures they took induced many to abandon their dangerous avocation, and retire to the Indians of Yucatan, Honduras and Nicaragua, with whom they had been in intercourse for many years: and hence the great increase of the English trade in logwood, and subsequently in mahogany. The Mosquito Indians about Cape Gracias à Dios had been repeatedly stimulated by the Dutch, French, and English adventurers, during the several wars against Spain, to join in the expeditions against the Spanish settlements, and, indeed, were on such friendly terms with all, that each claims the priority of intimacy with them. The earliest known attempt of the English to tamper with them was under Sir Thomas Modyford, Governor of Jamaica, about 1677 [*sic*]. His proceedings were not approved, and in 1670 [*sic*] he was arrested and sent to England. The illicit trade in logwood and other things, from Campeche to the Bay of Honduras and the Mosquito Country, had become so offensive to Spain, who feared that it might cover a permanent occupation, that she was induced to enter into the Treaty of 1670, which yields to England the Islands she had conquered in the West Indies, defines

for the first time the respective rights of the parties, and has been made the basis of all subsequent Treaties. This brings me to the second position of the British Government.

By the 7<sup>th</sup> Article of the Treaty of Madrid "it is agreed that the Most Serene King of Great Britain, his Heirs and Successors, shall have, hold, keep, and enjoy forever, with plenary right of sovereignty, dominion, possession, and propriety, all those lands, regions, islands, colonies and places whatsoever, being or situated in the West Indies, or any part of America, which the said King of Great Britain or his subjects *do at present hold and possess*". It is plainly of great importance to the present inquiry to determine what lands, regions, islands, colonies, or places, King Charles, or his subjects, held or possessed in America on the conclusion of that Treaty.

Now it is evident that this article was inserted in the Treaty to determine a previous conflict of claims to sovereignty by the fact of existing possession; and that where the claims of the parties had not come in conflict, it had no validity. Leaving out of view all the American continent to the north or south of Central America and the Indies, it is well known that the title to Jamaica was in dispute, and that this article was expressly inserted to settle it by confirming England's occupation. Had it any reference beyond that to Mosquito? After the preceding review, I think I am warranted in saying it had not: because, in the first place, I am unable to find that the sovereignty had ever been in dispute; and because, in the second place, the only possession approaching a hostility to Spanish right was that of the Buccaneers—composed of all Nations—which was not continuous—which was piratical and therefore clearly illegal—which was disavowed by England, and therefore cannot enure to her—and which was made in admission of Spain's title, since it was a war upon Spain.

And further:—Great Britain does not now claim ever to have "held" or "possessed" Mosquito. To adopt a little of Lord Palmerston's severity of criticism on the language of Treaties, I say that the terms "hold" and "possess" have definite meanings in international law—that they imply title—either temporary, as in the case of a violent occupation in time of war—or permanent, to which occupation is not a necessary incident. The claim under which Great Britain shelters the illegal occupation of Mosquito by the English is not set up in itself, but in a monarch of its creation, who is alleged to reign under its protection.

The political relation of Protector and Protected is not a new one. It grows out of contract. It implies sovereignty in each party: for, when the sovereignty of the lesser merges in that of the greater, the peculiar relation ceases. Any occupation, therefore, by the English, at any time, must have been (by their own showing) as under Mosquito. Any possession must have been the possession of Mosquito. And when that possession is demon-

strated to be, not adverse to, but under Spain, their title, being that of a privy in estate, must take the same course.

Any light in which we view this claim presents a tissue of inconsistencies. To defeat the Spanish title it is alleged that the Indians are an independent nation, whom Spain could never conquer: while, on the other hand, to let in Great Britain to the benefit of such a defeat, it is said that her protection is necessary to enable them to protect themselves against the Spaniard. Either they are an independent nation of themselves, capable of existing without this protection, and therefore not entitled to it: or the aid has been rendered in bad faith, to maintain a tribe of savages in revolt against their sovereign.

The contemporaneous construction of the Treaty of Madrid shows that the right of Spain to the whole of Central America was not questioned. Sir William Godolphin, the Ambassador to Spain who negotiated and signed the Treaty on the part of Great Britain, on the 10/20 May 1672 wrote to Lord Arlington from Madrid as follows—

Your Lordship hath required my opinion touching the cutting of Logwood in the West Indies by some English on pretence that the Parts where they take the same are not Inhabited or Possessed by the Spaniards.<sup>1</sup> . . . In answer, . . . the said wood is brought from Iucatan a large Province of New Spain, extending into the North Sea like to a Peninsula ab<sup>1</sup> a hundred Leagues in length, sufficiently Peopled in respect of other places of those Indies haveing several good Towns as Merida, Valladolid, San Francisco de Campeche &c the Govern<sup>1</sup> thereof being likewise esteemed one of the most considerable there next to the two Vice Royalties of Peru & Mexico . . . Now this wood growing on the northern coast of Iucatan . . . is commonly called here Campeche wood . . . This premised, we may reasonably conclude the Crowne of Spayne to have as well too much right as advantage in these woods, not to assert the Propriety of them, for though perhaps they are not all inhabited (which is not to be admired) or distinguished into particular Tennements, but remaine in common, yet they are in generall possessed by these People, who may as justly pretend to make use of our Rivers, Mountains, and other commons, for not being inhabited or owned by individual Proprietors, as we can to enjoy any benefit of those woods.

And this is the sense of all the Spaniards, who esteeme themselves in full possession of every part of that Province, notwithstanding that it containeth much Territory unpeopled, since (as I have said) to inhabit and possesse are distinct, neither is the former essentiall to the latter.

Lastly, what will render the pretension to a freedome of cutting this wood more odious to the Spaniards is, that, in consequence thereof, and for the same reason wee may inferre a liberty to inhabit there, opening a Doore to any farther attempt wee may designe against their Continent. . . .

Thus much to the merrits of the cause, & the point of strict Justice.

<sup>1</sup>The complete text of this document as it appeared in the volume of Despatches is reproduced, the indications of omissions being those of the original and not editor's omissions.

But now, after all this, I will adventure to give my opinion, that if the English in the cutting wood at Campeche, would restrain themselves to that alone, abstering to doe it in parts neerest to the sea, more remote from their Townes . . . and without making inroads or other depredations on the Country, it may be adviseable for his Maj<sup>ty</sup> though not to authorise yet to connive . . . sure for when they [the Spaniards] see the American Treaty in other points punctually complied with and no other spoyle committed than the bare cutting of that wood . . . they may be induced to connive likewise.

When it is remembered that up to this time all Geographers conceded, or rather never doubted the right of Spain to the whole of this part of the Continent—that that right had been intruded on only by the Buccaneers—and that these intrusions had been confined to Yucatan and its neighborhood, and had not yet extended as far South as Mosquito, which was a part of New Spain of which “the Spaniards then esteemed themselves in full possession of every part”, the completeness of the testimony will be understood, and its almost prophetic nature appreciated. And I am prepared to show, in addition, that the connivance of the Governors of Jamaica in such cutting and encroachment was encouraged and approved in London.

I shall now assume it to be clearly proved that, in 1670, while the English had no right, either directly or indirectly, in Mosquito, Spain held undoubted sovereignty over it: and shall travel forward to the year 1739, when hostilities commenced between Great Britain and Spain, during which a permanent occupation of this country by the former power was for the first time attempted. Most of the acts of occupation or protection (for they sometimes take the one form and sometimes the other) on the part of England, took place between this date and the Peace of Paris in 1763; and were either done during a time of hostilities, or were themselves causes of a subsequent war. It is plain, therefore, that, being aggressive, they cannot now be used by Great Britain to set up the alleged title in the Indians.

On the 19<sup>th</sup> of October 1739 war was declared against Spain, ostensibly because she had neglected to pay the paltry balance of £95,000 according to Treaty: but the real object of the British Colonists appears to have been to gain a stronger footing in the West Indies, before concluding a peace. On the 17<sup>th</sup> of August 1740 Sir William Pultney of the Admiralty wrote to Admiral Vernon then in the West Indies, a long letter detailing the plans of the Government. He says—

To ravage the coast of Spain (supposing we could do it) seems to be with a desire only of forcing the Spaniards into a Peace, before we have secured such advantages, as we may reasonably hope for, in another place. Every man of sense agrees that the only place to push them in is the West Indies, and there we can be too hard for them, and may defy the whole world besides. . . . We [England] one and all cry out there is no dependence on the faith of treaties—something must be done to

keep the Spaniards from insulting us again, and we must no longer rely on bare promises only for the security of our Navigation and Commerce. Take and hold is the cry—this plainly points to Cuba . . . It [the taking of Carthagena] might be a very sensible mischief to Spain, but what we now immediately want is advantage to ourselves . . . When we are once possessed of it [Cuba] the whole world will not be able to dispossess us again. We may then make peace with Spain without the intervention of France, giving them almost anything in Europe they may desire, but showing them, at the same time, they shall in great measure depend upon us, the chief maritime Power, and convincing them of the truth of their own old Proverb—*Peace with England, & war with the whole world.*

During the years 1739 and 1740, many projects were framed for the purpose of gaining the desired footing in the West Indies, for the accounts of the wonderful details of which we are indebted to the principal actors in them, many of whose most confidential letters, owing to private quarrels have been published. In addition to these I have been permitted to examine the original Vernon and Wager Manuscripts, a collection embodying in the original official, as well as private, letters of the Duke of Newcastle, of Sir Charles Wager, of Admiral Vernon, of Sir William Pulteney, of Gov<sup>r</sup> Trelawney, of M<sup>r</sup> Robert Hodgson, and of many others, a mass of authentic information, never published, and not existing any where else, unless in Her Majesty's State Paper Office. I am happy to say that this collection will probably go to America, as it is now owned by an American gentleman.

As soon as hostilities were determined upon, the Duke of Newcastle (on the 15<sup>th</sup> of June 1739) directed Gov<sup>r</sup> Trelawney to be on his guard against any attempt of the Spaniards against Jamaica, and gave him full power and liberty to annoy the enemy. He directed him also to encourage the taking out of letters of marque and reprisal against the Spaniards, and to authorise descents upon the Spanish settlements.

On the receipt of these orders, Governor Trelawney at once revived the old scheme of the Mosquito Indians, and on the 20<sup>th</sup> January 1739/40 wrote to the Duke of Newcastle, advising a settlement upon the Mosquito shore. About one hundred Englishmen, he said, were there, "mostly such as could live no where else". He proposed to bring all the English in that quarter together in one settlement, so that by the help of the Mosquito Indians, whom he calls his "friends", they might induce the neighboring Indians to revolt, and thus, by supporting the Indians, "a little spread the revolt from one part to another, till it should be general over the Indies, and drive the Spaniards entirely out, or cut them off." Accordingly, early in 1740 he commenced his Quixotic scheme by sending one Robert Hodgson to the Mosquito shore, fully equipped with everything necessary to enable him to tamper with the Indians, and excite them against the Spaniards. I am

fortunately able to give, from the Vernon Manuscripts, M<sup>r</sup> Hodgson's own account of what he did under this extraordinary commission.

Sandy Bay April 8<sup>th</sup> 1740

May it please Your Excellency, . . .

King Edward being informed of my arrival sent me word that he would see me the next day, which he did attended by several of his Captains. I read to him Your Excellency's letter and my own Commission and when I had explained them by an interpreter told my errand and recommended to them to seek all opportunities of cultivating friendship and union with the neighboring indian nations and especially such as were under subjection to the Spaniards and of helping them to recover their freedom. They approved every thing I said and appointed the 16<sup>th</sup> to meet the Governor John Briton and his captains at the same place to hear what I had further to say.

On the 16<sup>th</sup> they all came except Admiral Dilly and Col. Morgan who were sick. General Hobby and his captains were at too great a distance to be sent for, but their presence not being material, I proceeded to acquaint them that as they had long acknowledged themselves subjects of Great Britain, the Governor of Jamaica had sent me to take possession of their country in His Majesty's name, then asked if they had anything to object,—they answered they had nothing to say against it but were very glad I was come for that purpose, so I immediately set up the standard, and reducing the sum of what I had said into Articles, I asked them both jointly and separately if they approved and would abide by them,—they unanimously declared they would so I had them read over again in a solemn manner under the colours, at the end of every article fired a gun and concluded with cutting up a turf and promising to defend their Country and to procure them all the assistance and instruction from England in my power.

The formality all this was done with seemed to have a good influence upon them, for they often repeated their desire of learning to read and said they must now mind their Kings more than they had done and do all they could to help themselves and hurt the Spaniards to whom I recommended all the mercy that was consistent with their own safety; but they seemed not to understand me rightly, saying, if they fight, they must kill. The Articles I enclose and hope your Excellency will excuse so much ceremony, for as I had no certain information whether the country was ever taken possession of before or ever claimed otherwise than by sending them down commissions, I thought the more voluntary and clear the Cession of it was, the better. The Governor came attended with a numerous guard, who behaved to him with much respect and *silence* (?), he is a sensible old man, and carries a good command; the King being very young, I believe not twenty, is not much observed, but was he to be a while in Jamaica or England 'tis thought he would make a hopeful monarch enough. . . .

The same day Adm<sup>l</sup> Dilly and Col. Morgan sent me word they were coming to wait on me. I immediately crossed the Lagune to meet them, hearing they were sensible clever fellows, and such I found them. They had despatched a message to the Governor to meet them the next day to hold a general and decisive council.

They all met on Sunday the 23<sup>rd</sup> at Senock Dawkra (M<sup>r</sup> Whitehead's house). The Governor being sick tried our patience by making us wait till the afternoon, but when he came made ample amends by the justness of his sentiments.

He told the King and his Captains it was plain they had got a name and the good opinion of the Governor of Jamaica (whose success against the rebellious negroes they had all heard of) and if they did not keep it up what would the world say of them? There was an officer now sent down by Your Excellency to observe their manner of fighting, and if they did not do their best they should lose the favor of the English, it was true they were but a small number of people compared to us who had men to spare for sickness and the sword, but if they shewed themselves worthy, no doubt the King of Britain would send a force sufficient to get them all they wanted, besides teachers to instruct them in what is right and good; he said Gen<sup>l</sup> Hobby had often talked about taking towns in time of peace and called the English cowards. Now it was war they must shew they were not such themselves, that the English were the best judges when war or peace was proper, and none of them had any business to act otherwise than they were directed by the Gov<sup>t</sup> of Jamaica. . . .

I find my council about sobriety has had some weight with the old men, but the young ones are got together there since with the women into drinking boats [bouts?]. They intoxicate themselves with a liquor made of honey, pine apples and cassada, and if they avoid quarrels, which often happen, they are sure to have fine promiscuous doings among the girls. The old women I am told have the liberty of chewing the cassada, before 'tis put in that they may have a chance in the general rape as well as the young ones.

I fell into one of them by mere accident last Monday, where I found Admiral Dilly and Col. Morgan retailing my advice among them to little effect for most of them were too drunk to mind it, and so hideously painted that I quickly left them to avoid being daubed all over, which is the compliment they usually pay their visitors on such occasions.

Those two Captains complain much of their drinking, but say it has been taught them by the English,—others say not, for how should the English invent the pine and cassada drink. Their resentment of adultery has lost its edge too more than among other Indians. That I make no doubt they are obliged to us for. Their breach of promises in their bargains I take to be a good deal owing to a sense of being defrauded by traders but through their ignorance of numbers and value not being able to tell how, they are apt to make improper reprisals; as for their laziness, the grand promoter of the rest, I really think it must have been owing to their discontent at the usage they have received from privateers and others, because I don't find it has been epidemical amongst them till lately. . . .

I have disposed of several presents but their returns being chiefly in visits to get more or to drink punch I have stopped my hand. The Lubeck Duck Osuabrigs, Powder, Ball, Flints and Shot I shall divide among them at setting out with a promise that they shall pay me according to their behaviour or their plunder. . . .

Apl. 12<sup>th</sup> 1740.

(sd.) Robt Hodgson.



P. S. Had I been better informed I might have made a little fortune out of your Excellency's money and done more justice to the cause for the Moskito men have not got half guns enough, so must be supplied by Stewart and the other white men that go with us who no doubt will make them pay sound. . . .

The origin, character, history, and results of the British intrigues in this quarter are all disclosed in this letter. They originated in public and private cupidity—in the desire of territorial aggrandisement, and of personal gain to the Governor of Jamaica. They were pursued in the same spirit by the distribution of intoxicating liquors and missiles of destruction among the savages, and by exciting them to an unnatural war against the Spaniards. They resulted in the complete degradation of the Indians themselves—a degradation which they have never been able to shake off. Yet this is the "protection" Great Britain sets up, and seeks to perpetuate.

Mr Hodgson skillfully aroused the old resentment of the Indians against the Spaniards, and induced them to join him in an expedition which proved a failure. He, however, remained among them, and was instructed by Governor Trelawney "to endeavor to persuade the Indians to form themselves into some sort of a Government."

Meanwhile the home Government had the scheme under consideration, and approved of it. But Sir Charles Wager, had fallen in with another adventurer named Lee, and wrote to Admiral Vernon from the Admiralty Office as follows, under date May 23. 1741—"I sent Governor *Trelawney*, by the last ships, some Accounts I had from one Captain Lee, who was sometime a Factor to the South Sea Company, at *Guatimala*, of the particular Situation, Riches, and Trade of that Part of the Continent, which is much more than I imagined: The Governor's *Don Quixotte*, Mr *Hodgson*, seemed to want this Captain *Lee* with him, and I could have seen him, had it not been for some Difficulties; but I had his Scheme in Writing, and sent it to *Plymouth*, but the Ships were gone before it came there."

Again, on the 18<sup>th</sup> of August following, he wrote to the Admiral thus:—"I sent you by the last Ships, a Scheme of Captain *Lee*, for a proper Number of Soldiers, when they can be spared, or can do nothing more considerable, to go down to the *Mosquitos*, and with, or without them, to make Attempt on the *Spaniards* up the River *Dulce*, where Captain *Lee* seems perfectly acquainted; but as we have made him Captain of the *Bonetta* Sloop, purely for the Sake of this Scheme only, I refer you to him for a clear explication of the whole Scheme, which, in its Consequences, may be much more considerable than it appears at first Sight; for if we can procure a sufficient Number of Arms for the *Indians*, who are able and willing, as he says, to pay for them, tho' that is not material, they would soon make themselves their own Masters, and drive all the *Spaniards* out of the Country, or change *Conditions* with them, and make them the Hewers of Wood and Drawers of Water; and

this I think they may do, if supplied with Arms, and all Things necessary, *more easily than the Spaniards conquered them*"; (the italics are mine, except the word "Spaniards")—"for if once there was a considerable Insurrection of the *Indians* about *Guatimalla* and that Country, in which the *Musquito* Men may perhaps be persuaded to join with them, there would soon be an Insurrection, both in *Mexico* and *Peru*; of which the *Spanish* Court has been very much afraid, especially in *Peru* and *Chili*, where it is not improbable but the *Creole Spaniards* would soon join with them, and set up a King of their own."

Again on the 20<sup>th</sup> of the same month, and still again on the 7<sup>th</sup> of October following, he wrote to Admiral Vernon, reiterating these views in almost the same language. These letters, as well as that of M<sup>r</sup> Hodgson, expose the manner and the object of the British tampering with the Indians.

In 1743 these "Schemes" had so far progressed, that Governor Trelawney recommended that a company of Troops should be kept at the Mosquito Shore, and that some sort of Government should be established there; and the Governor encouraged emigration there, and tried to get permission from the Government to grant lands, and thus induce settlement. But the Board of Trade did not approve of this.

On the 19<sup>th</sup> of July 1744, notwithstanding the discouraging report of the Board of Trade as to the Rights of Spain, an order passed the Council, detaching a certain number of Troops from Jamaica for the Mosquito Shore, and providing for the erection of forts, and the establishment of a Government. In Feb. 1748 there was another Order in Council for sending a supply of ordnance to the "New Settlement on the Mosquito Shore", to the amount of £1528..13..7.

The fort at Black River was completed in 1747, so that Governor Trelawny was confident that should the Spaniards make a descent upon the Mosquito Shore, as was expected, in the summer of 1748, it "would be able not only to defend itself, but to annoy the enemy".

During all this time (i. e. from 1739 to the Peace of Aix la Chapelle) I do not learn that the Spaniards made any direct attempt to dislodge the English from the Mosquito Shore, except by an expedition from Nicaragua in 1747, which was a failure. The reason was, they were busily engaged in more important places.

Matters were not changed by this peace. The English gained no new rights. They nevertheless determined to maintain their settlement, and in Oct 1749 the King appointed Capt. Hodgson "to regulate and superintend the settlement on the Mosquito Shore, which has been subsisting several years under the protection of our friends and allies, the Mosquito Indians". Capt Hodgson was to put himself under the direction of the Governor of Jamaica, and to correspond with him. One cannot but admire the facility

with which the relation of the Indians shifts from Protectors to Protected to suit the exigencies of the case.

In 1750 and 1751 the Spanish authorities remonstrated against these proceedings, asserted their rights, and threatened an expulsion of the English. Gov. Trelawny, alarmed at the aspect of affairs, sent Hodgson an artful set of instructions for his conduct towards the Indians, which were to be shown to the President of Guatemala to cause him to believe that the object of the English in keeping a superintendent among the Indians was to restrain them in their hostilities against the Spaniards: but upon their being presented to him, he protested against the English interference, and proposed sending a Spanish agent or governor among the Indians. In reply Hodgson wrote to him on the 3<sup>d</sup> of Decr. 1750 that he was already there as a superintendent, appointed by the Gov<sup>t</sup> of Jamaica to protect the Spaniards, as they could not protect themselves, and asserted that the Indians were free, never having been conquered by Spain.

In 1751 an attack by the Spaniards was apprehended at the shore, but only a missionary was sent among the Indians, named Juan Joseph Solis de Meranda, who reported that hostilities would not be commenced if he were allowed to remain among the Indians.

This was at first granted: but the English, soon perceiving the influence he was gaining over the natives, to their great prejudice, arrested him under pretence of his being an imposter, and sent him to Jamaica.

It now came to the knowledge of the Governor of Jamaica, that the Spaniards were making preparations for invading the Mosquito shore, and driving the English from it. The settlers became alarmed, and demanded that the detachment of soldiers should be withdrawn. The governor, on his part, proposed that the fort should be demolished, rather than give umbrage to the Spaniards.

In 1752 Governor Knowles succeeded Governor Trelawney. He took a different view of the rights of the Mosquito Indians, restored Father Solis, and seemed determined to expose these transactions. He entered into a correspondence with the Governor of Guatemala, and proposed a cessation of Hostilities till he could hear from England. On the 26<sup>th</sup> of March 1753 he wrote to the Secretary of State that the Settlement on Mosquito Shore was "a job"—that if Capt. Hodgson was not checked or recalled he "would involve the nation in difficulties"—that the Indians were so perplexed they "did not know which part to take"—and that he should advise withdrawing the troops unless the ministry intended to maintain the right to the territories, which he thought was not worth contending about.

During Governor Knowles administration the condition of things improved; but he was not allowed to remain long. On his departure they fell back into the old channel, the English covertly acting the part of aggressors, —the Spaniards resisting by protest and by force, until the Treaty of Paris in

1673 [1763]; except that in 1759 the Indians took up arms against the English, being discontented with their treatment of them, and disgusted with the course of Capt. Hodgson: and except also that this latter year was signalised by a communication from the Board of Trade, ignoring the existence of any British settlement on the Mosquito shore, and declining therefore to entertain complaints against officers of the crown for acts done there.

The Treaty of Paris assumes to define the respective rights of the parties in Central America. By Art XVII, it is provided that "His Britannic Majesty shall cause to be demolished all fortifications which his subjects shall have erected in the Bay of Honduras, *and other places of the Territory of Spain in that part of the World &c,["]* and then the right is given to the English to cut logwood on the "Spanish coasts and territories." In accordance with this provision, all the British fortifications in Mosquito were demolished, and the troops removed. But the settlers remained both there and in Honduras for the purpose of cutting and carrying away logwood, and marked their residence by repeated aggressions similar to those already described, which I can give you in detail if you desire it. In 1783, at the close of the contests which accompanied the American Revolution, it was found necessary to define more particularly the rights of the English cutters, which is accordingly done by the 6<sup>th</sup> article of the Treaty of Versailles, where it is provided that "the intention of the two high contracting parties being, to prevent as much as possible all the causes of complaint and misunderstanding heretofore occasioned by the cutting of wood for dying or logwood, and several English settlements having been formed and extended under that pretence, *upon the Spanish continent*, it is expressly agreed that His Britannic Majesty's subjects shall have the right of cutting", &c (defining the limits about the Belise within which the right might be exercised) "and his Catholic Majesty assures to them the enjoyment of all that is expressed within the present article: *provided that these stipulations shall not be considered as derogating in any wise from his rights of sovereignty*". And then it was provided that within eighteen months from the ratification, the English should wholly retire from the Spanish Continent and Islands, to the space allotted to them. This the English were understood at the time to have received as a compensation for abandoning Mosquito.

It is now claimed by Great Britain that before the conclusion of this Treaty, Mosquito had become an independent nation, and therefore was not embraced within its provisions. The argument upon which this is founded involves the consideration of the English title.

Starting from the position that the Indians had never been conquered, and therefore were not within Spanish Jurisdiction (the fallacy of which I have already shown) all English writers rely on three, and only three circumstances to establish the Mosquito protectorate, all of which are stated by

Lord Palmerston in his note to M<sup>r</sup> Castellon of July 16. 1849.<sup>1</sup> 1<sup>st</sup> A submission by the Mosquito King to the Governor of Jamaica on behalf of the King of England in 1687, founded on an alleged prior submission between 1645 and 1660: 2<sup>d</sup> a Convention between the Governor of Jamaica and the King of the Mosquitos, concluded June 25<sup>th</sup> 1720— 3<sup>d</sup> Certain reports and resolutions made in 1774 in the House of Assembly of Jamaica.

To all this I might reply that the Mosquitos could not of themselves change their political connection—that, not being an independent nation, all acts done by them as such are void—that the demolition of fortifications shows England's construction of the Treaty of Paris: and that the Treaty of Versailles uses the broad language of the "*Spanish Continent*", and affirms Spanish Sovereignty. Without dwelling on these apparent considerations, I turn to the authorities relied upon for these positions.

And as to the first, I find that all writers refer for proof to an account of the matter given by Sir Hans Sloane, who was in Jamaica at the time of the alleged submission to the Duke of Albemarle, the Governor, and was his family physician, and of course in a position to know all about it. The authority most often cited is a memoir by Bryan Edwards, entitled "Some account of the British Settlements on the Mosquito Shore, drawn up for the use of Government in 1773". The history of this memoir is a little curious. It purports to have been drawn up for the use of Government in 1773. It was printed anonymously, and was in 1776 laid before Parliament with the case of the "Morning Star", to which I shall soon allude. The treaties of 1783 and 1786 having been concluded, the subject dropped. Twenty Years afterwards M<sup>r</sup> Edwards published his "History of the West Indies": in one of the footnotes to which he stated that the *settlement in Mosquito having been surrendered to Spain by the Treaty of '86*, it did not come within the plan of his work to treat of them; but referred all curious on the subject to this Memorial. In 1819, in the 5<sup>th</sup> Edition of his History (the first published after his death) this Memorial was for the first time printed with the history, and under his name. It is now reproduced by the Foreign Office in the "Correspondence" &c on this subject, submitted to Parliament in 1848. That you may see how history has been perverted, I give you in parallel columns what Sir Hans Sloane really did say (copied from his printed History) and what M<sup>r</sup> Edwards represents him as saying.

Sir Hans Sloane

M<sup>r</sup> Edwards

"One King *Jeremy* came from the *Mosquitos* (an *Indian* People near the Provinces of *Nicaragua*, *Honduras*, and *Costa Rica*) he pretended to be a King there, and came from the others of his country, to beg of

<sup>1</sup> See above, vol. III, p. 370, note.

the Duke of *Albemarle*, Governor of Jamaica, his *Protection*, and that he would send a Governor thither with a power to war on the *Spaniards*, and Pirats. This he alleged to be due to his country from the Crown of *England*, who had in the reign of King *Charles I* submitted itself to him. The Duke of *Albemarle* did nothing in this matter, being afraid it might be a trick of some people to get up a Government for Bucaniers or Pirats. This King *Jeremy*, in coming to Town, asking many questions about the Island, and not receiving as he thought, a satisfactory account he pulled off his *European* cloaths his friends had put on, and climb'd to the top of a tree, to take a view of the country.

The memorial and substance of what he, and the people with him, represented to the Duke of *Albemarle*, was, That in the reign of King *Charles I.* of ever Blessed Memory, the Earl of *Warwick* (by virtue of letters of reprisal granted by his said Majesty for damages received from the subjects of his Catholic Majesty) did possess himself of several islands in the *West Indies*, particularly that of *Providence* (since called by the *Spaniards St. Catalina*) which is situate in 13 deg. 10 m. N. Lat. lying East from *Cape Gracios de Dios* (vulgarly known by the name of the *Muskitos*) between Thirty and Forty leagues: which put the said Earl upon trying all ways and means of future correspondence with the Natives of the said Cape, and neighbouring country, and in some little time was so successful as to gain that Point, and further prevailed with them so far, as to persuade them to send home the King's son, leaving one of his People as Hostage for him, which was Col. Morris, now living at New York. The *Indian* Prince going home with the said Earl, staid in

"The Memorial and Substance" (says Sir Hans) "of what he (the Mosquito King) and the people with him represented to the Duke of Albemarle, was, that in the reign of Charles I the Earl of Warwick, by virtue of letters of reprisal, possessed himself of several islands in the West Indies, particularly that of Providence, (since called by the Spaniards St. Catalina) which is situated 13°. 10 m. N. Lat., lying East from Cape Gracios-a-Dios, (vulgarly known by the name of the Mosquitos) between thirty and forty leagues; which put the said Earl upon all ways and means of future correspondence with the natives of the said cape and neighbouring country: and in some little time he was so successful as to gain that point, and prevailed with them so far as to persuade them to send home the King's son, leaving one of his people as hostage for him, which was Col. Morris, now living at New York. The Indian prince going home with the said Earl staid in England three years, in which time the Indian King died, and the natives having in that time intercourse

England three years, in which time the *Indian King* died, and the said natives having in that time had intercourse of Friendship and Commerce with those of *Providence* were soon made sensible of the grandeur of his Majesty of *Great Britain*, and how necessary his Protection was to them. Upon the return of the said *Indian Prince*, they persuaded him to resign up his authority and Power over them, and (with them) unanimously declare themselves the subjects of his said Majesty of *Great Britain*, in which opinion they have ever since persisted, and do own no other Supreme Command over them.

and commerce with those of *Providence* were soon made sensible of the grandeur of his Majesty of *Great Britain*, and how necessary his protection was to them; upon the return of the said *Indian Prince*, they persuaded him to resign up his authority and power over them, and with them unanimously declare themselves the subjects of his said Majesty of *Great Britain*: in which opinion "continues Sir Hans, "they have ever since persisted, and do own no other supreme command over them."

I am sure you will agree with me, that a worse perversion of history than this can scarcely be found elsewhere. The original authority, when produced, states expressly that the Duke of Albemarle did nothing in the matter:— M<sup>r</sup> Edwards suppresses the fact that Lord Warwick's expedition was hostile to Spain:—and the opinion attributed to Sir Hans at the close of the extract is found to be not his, but the language of the Memorial.

But I am able to go a step farther in the history of this curious title, and show the equivalent which the Indian Esau received for his birthright. In a pamphlet first published in 1699 (eight years before the publication of Sir Hans Sloane) and afterwards republished in the 6<sup>th</sup> volume of Churchill's *Voyages*, containing an account of the Mosquito shore from a very intelligent person, evidently well acquainted from observation, is the following passage—"He [the King] says that his father *Oldman*, King of the Mosquito men, was carried over to England soon after the conquest of Jamaica, and there received from his brother King a crown and commission, which the present *Old Jeremy* still keeps safely by him, *which is but a cocked hat, and a ridiculous piece of writing that he should kindly use and relieve such straggling Englishmen as should choose to come that way, with plantains, fish, and turtle &c*". The words which I have italicised in the latter part of this extract need no comment.

As to the second fact now alleged, I have only to say that the "Convention" is published in the Mosquito Correspondence submitted to Parliament in 1848: and so far from proving any sovereignty in the Indians, shows the contrary. It is neither treaty, nor convention. It is a *contract* between King Jeremy on the one side, signed with "his mark", and Gov. Lawes on the other—*sealed with the private seals of both parties*—by which the King contracts to furnish fifty men to hunt negroes, and the Governor to pay for

them and give them "rum" enough for their voyage home—very similar to the Contract made subsequently with the Spanish hunters of Cuba for the employment of blood hounds for the same purpose. This is not the mode in which high contracting parties usually deal with each other. Any argument deduced from it is founded in an ignorance of the distinction between a sovereignty in the soil, and a dominion over the persons of the savages composing the tribe.

As to the third fact, without stopping to dwell on its *ex parte* character, I have reason to think that the move was made in Jamaica at the instance, among others, of this M<sup>r</sup> Edwards, who drew up, to further it, the Memorial above alluded to. To show how little the Government at home entered into it—in 1776 a vessel called the "Morning Star", with certain Indians on board, who had been to England to aid in putting down the practice of selling the Indians into slavery, was seized by two Spanish Guardacostas on its return to Mosquito. The owners brought the subject before Parliament, presenting with their Petition M<sup>r</sup> Edwards' memorial. After a long debate, in which it was asserted that the seizure was justifiable as the Treaty had been violated, Parliament refused to entertain the subject.

I have now examined the only evidence adduced in support of the English claim to a Protectorate, and, unless I deceive myself, it dwindles into insignificance. I now resume the historical thread.

The English settlers were lax in conforming to the provisions of the Treaty of 1783, the territory allotted to them being found to be too small; and the eighteen months passed away without their removal. Spain began to complain of this infraction, and the result was the Treaty of 1786, which, besides enlarging the territory to be occupied by the English, and making various regulations about it, contains the following provisions:—

I. His Britannic Majesty's subjects and the other Colonists who have hitherto enjoyed the protection of England, shall evacuate the Country of the Mosquitos &c.

XI . . . In this view his Britannic Majesty engages to give the most positive orders for the evacuation of the countries above mentioned, by all his subjects, of whatever denomination: but if, contrary to such declaration, there should still remain any persons so daring as to presume, by retiring into the interior country, to endeavor to obstruct the entire evacuation already agreed upon, His Britannic Majesty, so far from affording them the least succor, or even protection, will disavow them in the most solemn manner, as he will equally do those who may hereafter attempt to settle upon *the territory belonging to the Spanish Dominion*.

XIV. His Catholic Majesty, *prompted solely by motives of humanity*, promises to the King of England that he will not exercise any act of severity against the Mosquitos, inhabiting in part the Countries which are to be evacuated, by virtue of the present convention, on account of the connections which may have subsisted between the said Indians and the English. . . .



This was looked upon as an abandonment by England. It was so avowed in Parliament in a debate on a motion to impeach the Ministry. Bryan Edwards admits it in the footnote cited above. The Mosquito settlers themselves considered it so, and put in a claim to Parliament for Damages which was allowed. Extracts from their Statement of the grounds of their claim have found their way into the appendix to the Mosquito correspondence of 1848 under the Title of "Extracts from M<sup>o</sup>Gregor's Commercial Tariffs part XVII". Still later, in the *Quarterly Review* for Oct. 1822 Art. VIII, in a review of a work on Mosquito Shore by one Capt. Strangeways, is the following strong language. After saying that "the whole of the Mosquito Shore and Honduras and the 'town' of Poyais have for many centuries belonged to Spain, and been considered as constituent portions of the Kingdom of Mexico, not one foot of which was ever held by the English, except occasionally during a war, by the Buccaneers, or more recently by the logwood cutters," and reviewing the treaties of 1783 and 1786, the writer says—"Nothing can more clearly establish the sole right of Spain to these territories, than the Treaty and Convention above mentioned. We never had any business there. The simple fact is, that the Mosquito Indians have always born[e] an inveterate dislike to the Spaniards. The Duke of Albemarle, when Governor of Jamaica, fostered that dislike, and invested one of the Indians with a commission as Chief of the Mosquitos, under the protection of England; a foolish ceremony, which was exercised long after by his successors, just as we now make King Toms, and King Jacks among the Negroes of Western Africa: but, if treaties are to be considered as at all binding, it is quite clear that we have not the right, nor even the permission of residence on the Mosquito Shore, and that we cut logwood and mahogany on the shores of Honduras Bay only by sufferance." It is worthy of remark that in a reply to the Review, published in 1823 is the admission that "this territory belongs to Spain".

I cannot better close the discussion under the second general head, than in the emphatic language of this writer. I turn, therefore, to the position that the Central American States are not the heirs to Spain, on which I propose to add only a few suggestions to the conclusive argument contained in your N<sup>o</sup> 4 of Oct. 20. 1849.<sup>1</sup>

When the question is asked whether a person can inherit a certain estate, two inquiries must be satisfied before an answer can be given—first, whether the estate is transmissible by inheritance—and, second, whether the party claiming has the qualities of heir. A like analysis is requisite here. After what has been said I shall confidently assume, as to the estate, that the right of Spain was not dependent on Treaties—that it went behind them and rested on discovery—that it was incident to the soil, and was only defined by the several Treaties. This view would entirely preclude the necessity of

<sup>1</sup> Above, this volume, pt. 1, doc. 2697.

considering whether or no the new State could avail itself of the Treaty stipulations in favor of the Old.

But I do not wish to be understood as desiring to waive any rights in Nicaragua or Honduras on that score. I think that would be very unwise. If Great Britain has, as you intimate, in recognising the independence of Central America (though I am unable to find that she ever did formally recognise it) expressly reiterate[d] her own rights acquired by Treaty, it is a fair ground for argument that the counter rights are also established. I leave this, however, for the present, to confine myself to the single line of argument I have marked out, and shall then return for a moment to the more narrow question of what has become of the rights, if any, growing out of the Treaties between England and Spain.

It is said that the Central American States, not having been formally and diplomatically recognized by Spain, cannot be the Heirs to her rights.

I beg you to observe the use of the word "diplomatically" in this statement. It is indeed true that these States have not been "diplomatically" recognized as independent nations by Spain. For sometime past there has been no diplomatic intercourse between England and that Power, and yet neither doubts the existence of the other. From the hour the independence of the Vice Royalty of Guatemala was proclaimed to this, there has not been a Spanish soldier, a Spanish civilian, or a sign of Spanish authority on the Isthmus. The revolution was bloodless, instantaneous, and complete. The new federation was welcomed into the family of Nations by the United States. Within four years M<sup>r</sup> Canning wrote to the Spanish minister in London, and to the British Minister at Madrid, and reiterated his views in a conference with Prince Polignac, that separation and the maintenance of a *defacto* government were sufficient grounds for recognition of independence—that it would be idle to call that Spain's possession where Spain had no possession—and that Great Britain had the right to form such relations as she pleased with the Spanish American States. In 1825 the Union they had formed was severed, but the several States continued to maintain Diplomatic Agents at the European Courts: and in 1836 the Cortes of Spain authorized the Gov't to conclude a Treaty with the New American States, because "they considered the political situation of those States as an accomplished fact", and Don Angel de Castriciones was sent by Guatemala as an Envoy to Madrid: but the Government refused to receive him, only because he was empowered by an individual State instead of the Federation, and at the same time expressed their willingness to treat with *Central America*. Costa Rica, Nicaragua, and Honduras are now represented at this Court: while the recent acts of M<sup>r</sup> Chatfield have let the world know that the missions are returned. It is idle to play on the word "diplomatically", when such great interests are at stake. The English doctrine, carried to its legiti-

mate result, is this: that, admitting the right to revolt for just cause, (which all must) the act of revolution, while the independent revolters continue unrecognized by the old Ruling Power, destroys all old landmarks, and throws society into chaos: and that, pending a recognition, any given number of men may associate together, form a *defacto* government, and hold the land they stand upon—and no more. Such a view is neither comprehensive, just, nor in accordance with precedents. The people who revolted were the people forming the political fabric of the Vice Royalty of Guatemala—the nation whose independence was recognized was the Republic of Central America, proclaiming in its Constitution its geographical identity with the ancient Vice Royalty—the States now represented here were the members of that Federation. That was no chaotic nation,—these no chaotic States:—but a Nation and States, having a political existence, geographical limits, and a known population. The Vice Royalty of Guatemala did not throw off Government, but changed Governors. Its people assumed the right of governing inherently, instead of derivatively—of governing themselves, instead of being governed—retaining their political geography entire.

This is no new doctrine. In 1581 the Low Countries, unable to endure longer the tyranny of Philip II, threw off the Spanish Yoke, and, after a long and bloody war, obtained a truce for many years: but their independence was not “diplomatically” recognized by Spain till the Treaty of Westphalia in 1648. Yet, though Europe during this time was often convulsed with wars of aggrandisement, no statesman ever thought of claiming Holland as a waif.

In 1640 Portugal rejected the Dominion of Spain, but its independence remained unacknowledged until 1688: yet no such results were claimed to flow from Spanish tardiness as we now see asserted.

When Texas separated itself from Mexico, a tribe of fierce Indians wandered over its northern frontier, who then and since have manifested hostility towards its settlers. But no one ever fancied that Texas was therefore circumscribed of the part they ranged over.

A yet stronger case may be found in our own history. Before the war which preceded the Treaty of Paris, Great Britain had claimed to extend her Atlantic Colonies to the Mississippi, which France denied. The Treaty yielded the right to England, and then the British Government manifested a desire to limit its “ancient establishments” to the mountains. When the negotiations were opened for terminating the war of the revolution, Congress instructed Dr Franklin and his associates to insist upon the Mississippi as our western boundary, which they did, successfully, though opposed by both the French and Spanish Courts. It is worthy of remark that Each party insisted upon the principle that *the boundaries of the New States were to be determined by the Colonial limits*. During the negotiations it was asserted, and maintained by the successful result, that the Indians between the river

and the mountains were not independent nations, but existed under the protecting Sovereignty of the United States.

I think nothing can be clearer than that these examples establish two general principles, which, combined, determine this whole question. 1<sup>st</sup> That the successful revolt of a Colony does not change its political geography: and 2<sup>d</sup> that the Indian gains no right of Domain by such Revolt.

We hear of the rights and of the obligations of Spain in Central America, as if those rights were acquired in the same manner as those obligations were imposed. Those who talk so forget, or overlook, that it is England, not Spain, whose rights on that Coast are grounded on Treaty Stipulations. The Spanish claim rested on the romantic exploits of early adventurers and settlers, who established and maintained it under well defined principles of public law. The King of Spain had no rights there as King of Spain. His title grew out of his Sovereignty over Guatemala: and when that Sovereignty ceased, the rights incident to it passed into the new dominant power as absolutely as did the dominion of Holland pass into the States General, or the Sovereignty of Portugal into the House of Braganza. It was the discoverer who won, and the settler who retained the title: and when they severed this title from the Spanish Crown, and became Sovereigns in the place of Subjects, of right, necessity, and by precedent, they became possessed of that which had vested in the crown only through them. I had marked for quotation several extracts from M<sup>r</sup> Livingston's instructions to D<sup>r</sup> Franklin with reference to the negotiation of the Treaty of Peace with Great Britain, which fully establish this doctrine. But the unexpected length of this communication precludes me from doing more than allude to them.

To ascertain the combined rights of these States (for I have purposely avoided their dissensions) we have only to ask what were the limits of Spanish rights under the Empire. Having ascertained that, we know the rights of those who have inherited its soil, and who now represent it in Central America.

If I have demonstrated that the sovereignty in Mosquito was clearly and unequivocally in Spain, independently of Treaties,—that it was therefore unaffected by Treaties (except so far as acknowledged by them, or so far as the promise not to oppress the Indians)—that it grew out of the relation between the European and the Indian, and followed the jurisdiction of the former—that it vested in the Sovereign only through his connection with the Colonist, and therefore when the European in the New World threw off his allegiance in the Old, it passed into him as perfect as it had existed before in his ancient Monarch, vesting in the respective States as they had before been bounded under the Crown—if I have demonstrated this, I have no need to go further, and touch upon any rights existing by virtue of the Treaties of 1783 and 1786. And, indeed, I have used language to very little purpose, if I have failed to convey my belief, that no new rights were created by those instruments. They only exhibit a solemn abandonment by England of a

fictitious claim. But I should fail in completeness, should I neglect to notice the British construction of them.

I dismiss entirely Lord Palmerston's criticism upon language. Had he studied definitions yet more severely than he seems to have, he would have learned that a "frontier", in the limited sense he seeks to give it, is a mathematical line, astride which he would find it difficult to maintain a tribe of savages: and that when the term is extended to embrace the country in the vicinity of the line, it is equally just to go on either side. I pass by, too, his extraordinary argument that Mosquito did not belong to Spain, because Spain promised to treat the Indians well: simply remarking that this promise is expressly stated to be "*prompted solely by motives of humanity*", which is an implied negative of the disclaimer of sovereignty.

The present English construction of those Treaties, and of the Public Law as to them is this—that before them the sovereignty of Mosquito was disputed with Spain in favor of the Indians—that by them it was *ceded* to Spain—that Central America having revolted, but its independence not yet having been recognized by Spain, the ceded rights are lost to the latter power, without coming to the former—and that therefore England may revive the old Indian claim, without giving just ground of offence to the people of Central America.

Now the most obvious, pertinent and conclusive reply to all this would be the repetition of the argument of fact which destroys its basis. But it seems to me, in addition, that it is as untenable in theory as in fact. Admitting (for the sake of argument) that England did *cede* these rights to Spain, it is clear that she ceded them to *be enjoyed by the colonists*. The Government, in that case, became, as it were, the Trustee: the Colony was the real beneficiary. Is it right to say that the grantor may rescind the gift, while the beneficiary is in actual enjoyment of it, because the Trustee neglects his trust—more especially that he may rescind, and yet retain the consideration. The general train of argument hitherto, is also equally applicable to this case, and may be referred to without repeating it in detail. And after the course of Mr Canning towards the Republic of Central America, with a constitution Embracing this very Shore within its limits, it is a badge of (to say the least) injustice on the part of England, to now claim that she had the right, while a new Power for which she professed friendship was struggling with an ancient Ally, to step in and help herself, or a band of savages for her, to the Territory in Dispute.

In any aspect in which we view the question, we are forced to the same conclusion—that it is the European settler through whom and for whom such right is retained in the Crown, and in whom it vests on the establishment of the Independence of the Colony. The relation of the Indian towards the white man is not graduated by the rise and fall of European dominion. Passing with the soil from monarch to monarch, from kingdom to colony,

through all the gradations of change, the law of the stronger has decreed that he shall gain dominion by none. Nor do we do violence to any of the principles by which the Republics of the Isthmus have established their Independence. So far from "practising oppression", or "imposing a Yoke on the people of Mosquito"—so far from "imposing their (Spanish) rule on a people who had always been free" by an assertion of the principles I have endeavored to advocate in this Note, the people of Central America, in my judgment, could do these miserable savages no greater good, than by exercising an active vigilance over them,—guarding them against the rapacity of the English traders,—setting them an example of the blessings of peace, temperance, and morality—and so leading them to become in fact that free people that are already in the fancies of many.

I have said nothing about the boundary disputes of Nicaragua and her neighbors. I have, however, made this also a subject of inquiry, and, without going into detail, send you herewith a rough map on which I have located the boundaries about where I conceive the weight of authority fixes them.<sup>1</sup>

I have now finished what I have to say on this subject. I have endeavored to consider it as concisely as possible, but have been forced, by its very magnitude, into an unexpected length. I have necessarily written hastily, and consequently imperfectly, as it was only on the arrival of the steamer on the 16<sup>th</sup> inst. that I determined to reduce these materials to form, and send them to you: and I was anxious they should go at once, that you might receive them in the earliest possible stage of the negotiation.

I have endeavored to examine this question historically and theoretically. I have tried to measure it by the standards of fact, and of law. And in whatever aspect I view it, I am more and more convinced of the justice of my conclusions.

I have the Honor [etc.].

2908

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>2</sup>

No. 45

LONDON, April 19, 1850

SIR: I have the honor to transmit a copy of a note from Lord Palmerston to M. Marcoleta, Chargé d'Affaires of Nicaragua and Honduras.<sup>3</sup> The

<sup>1</sup> Not included in this publication.

<sup>2</sup> Despatches, Great Britain, vol. 60. The receipt date was not indicated.

<sup>3</sup> This note, dated April 15, 1850, follows:

*Lord Palmerston, British Secretary of State for Foreign Affairs, to José de Marcoleta, Nicaraguan Chargé d'Affaires at London*

LONDON, April 15, 1850.

SIR: I have had the honor to receive your Letter of the 3<sup>rd</sup> of November last referring to the two letters which I addressed on the 16<sup>th</sup> and 17<sup>th</sup> July last to M. Castellon, respecting the claim of the State of Nicaragua to Grey Town.

Footnote 3, page 389—*Continued*

Your letter states that Spain always considered the shores of Mosquito as forming an integral portion of her Dominions in Central America; and you quote in support of that statement several laws and regulations which were issued from time to time by the Spanish Government affecting that portion of the territory so claimed.

I beg leave to observe that Her Majesty's Government have never denied, and do not now deny, that Spain, whether by Law, Regulation, or other acts of internal Governments, asserted a claim of sovereignty over the Mosquito Territory as part of her possessions in Central America; but in that claim Great Britain has never acquiesced; on the contrary Great Britain has always denied it in argument and opposed it in practice. And moreover Spain herself never held actual possession of Mosquito. She claimed it theoretically, but she never subdued or governed it; so far indeed was she from either subduing or governing it that it is notorious and matter of history that the country and its Chief constantly resisted and remained independent of Spain, and for the better part of two centuries, dating from the reign of Charles the 2<sup>nd</sup> of England, Mosquito was in alliance with and under the protection of the British Crown.

With regard to the argument which you adduce, that the fact of Great Britain having signed the Treaties of 1763, 1783 and 1786, proves that she thereby acknowledged the Sovereignty of Spain over the territory of Mosquito, I must observe that the engagements taken in those Treaties were merely of a fiscal and temporary character and in no way affected the permanent rights of the King of Mosquito or those of Great Britain with respect to that chief and his territory; and it appears that the parts of those treaties to which you refer relate not to the Mosquito Territory but to the British Settlements in the Bay of Honduras.

Whatever therefore may be the light in which the case of Mosquito and its rights may be considered in connection with the position of Great Britain towards that country, it is clear that Mosquito is entirely independent of any nation pretending to derive its claim from Spain, and that Great Britain is fully justified in upholding that Independence.

And with regard to the specific claim of Nicaragua to possess the Mosquito Territory, the opinions of Her Majesty's Government on this point have been so clearly stated in my Letter to M. de Castellon of the 16<sup>th</sup> of July 1849 that I deem it unnecessary to make any further observation on that head.

I cannot however pass over in silence the assertion which you make that it is only within a recent period, and since the date of the Independence of Nicaragua, that Great Britain has thought of maintaining the Rights of Mosquito. Such is not the fact: Great Britain has never ceased to maintain the rights of the King of Mosquito, and to extend her protection to him; and moreover Great Britain has never admitted any right on the part of Central America generally, and still less on the part of Nicaragua in particular, to any portion of the Mosquito Territory.

In conclusion I can only say that I cannot perceive any argument in your Letter of the 3<sup>rd</sup> of November last which in any way establishes the claim of Nicaragua to the Mosquito country, or which can invalidate the arguments contained in my Letter of the 16<sup>th</sup> of July.

To that Letter I have to refer you as containing the views of Her Majesty's Gov<sup>t</sup> as to the rights of the King of Mosquito. Those rights Her Majesty's Government consider as incontrovertible; and they must therefore decline the offer contained in your Letter that the questions at issue between Great Britain and Nicaragua should be referred to the arbitration of some other Power.

I beg further to call your attention to the 3<sup>rd</sup> and 4<sup>th</sup> Articles of the Convention concluded between Captain Loch and the Government of Nicaragua on the 7<sup>th</sup> of March 1848.

In those Articles the Government of Nicaragua solemnly promises not to disturb the peaceable inhabitants of the Port of St. John (now Grey Town) and that no Custom House should be established in the neighbourhood of that Port; and yet, while the Government of Nicaragua has been professing to carry on a negotiation in conformity with the above mentioned Convention, that Government has entered into engagements with two different companies of citizens of the United States, not only binding those parties to build a Custom House in Grey Town, but also promising that that Town shall be made a free port, and that certain Sections of land in its neighbourhood shall be allotted to citizens of the United States for the formation of Colonial settlements. These proceedings with regard to Grey Town and the Mosquito Territory are entirely inconsistent with the engagements contracted towards Her Majesty's Government by the Government of Nicaragua.

I have the honor [etc.].

communication of Lord Palmerston to M. Castellon of last July<sup>1</sup> to which reference is made in the paper enclosed will be found upon the files of your Department.

I do not see in it any thing to vary what I have already written in my preceding number.<sup>2</sup>

I have the honor [etc.].

2909

*Henry Lytton Bulwer, British Minister to the United States, to John M. Clayton, Secretary of State of the United States*<sup>3</sup>

BRITISH LEGATION, April 29, 1850.

SIR: I have the honour to inform you that Her Majesty's Government have entirely approved of the language which I held to you with reference to your inquiry as to whether it was true that M<sup>r</sup> Chatfield had made a Treaty with Costa Rica taking that Republic under British protection, and of the assurance I then gave you that I did not believe from the opinions which I had heard Her Majesty's Secretary of State for Foreign Affairs express that he could have authorized M<sup>r</sup> Chatfield to make any Treaty placing the Republic of Costa Rica under the protection of Her Majesty.<sup>4</sup>

<sup>1</sup> This note to the Nicaraguan diplomatic representative in Great Britain, dated July 16, 1849, is above, vol. III, p. 370, note.

<sup>2</sup> No. 44, above, this part, April 19, 1850, doc. 2907.

<sup>3</sup> Notes from Great Britain, vol. 27. The receipt date was not indicated.

<sup>4</sup> The following communication, although not mentioned as an enclosure with this note, was filed with it in the manuscript volume and reveals the instructions of Lord Palmerston, the British Secretary of State for Foreign Affairs, to Chatfield:

*Lord Palmerston, British Secretary of State for Foreign Affairs, to Frederick Chatfield, British Chargé d'Affaires in Central America*

No. 9

LONDON, March 8, 1850.

SIR: In my despatches N<sup>o</sup> 25 of the 16<sup>th</sup> of November last & N<sup>o</sup> 8 of the 28<sup>th</sup> ulto, I transmitted to you copies of the correspondence which had passed between me and M<sup>r</sup> Abbott Lawrence the United States Minister at this Court respecting the views and intentions of Her Majesty's Government in regard to Central America: and respecting the occupation by Commander Paynter and the subsequent surrender by Admiral Hornby of Tigre Island in the Bay of Fonseca. [For the correspondence between Lord Palmerston, the British Secretary of State for Foreign Affairs, and Lawrence, see above, this part, *passim*.—Ed.]

The contents of those despatches will have shewn you clearly that there exists no intention on the part either of Great Britain or of the United States that the agents of either of the two countries should endeavour to obtain for their respective Governments any peculiar or exclusive advantages whatever in the Republics of Central America, or that they should seek to establish the dominion either of Great Britain or of the United States in any part of Central America.

I have now to acquaint you that I have received a despatch from Sir Henry Bulwer, Her Majesty's Minister at Washington, stating that M<sup>r</sup> Clayton the Secretary of State of the United States has expressed to him his willingness to concur with Her Majesty's Gov<sup>t</sup> in instructing the respective agents of the British and United States Governments in Central America, not only to abstain from placing themselves at the head of Rival parties in that Country for the purpose of counteracting the supposed projects of each other, but on the contrary to lend each other mutual assistance, so far as this may be



I have been furthermore instructed to state to you that the British Government has not made, and has no intention of making any Treaty or arrangement with Costa Rica for taking that State under British protection.

I am also desired to add that it would be contrary to the fixed and settled policy of Great Britain to entangle herself by any engagement to protect distant States over whose policy and conduct it would be impossible for the British Government to exercise any effective controul. Such a protectorate would confer no possible advantage on Great Britain, and might become the source of many embarrassments to her.

I avail myself [etc.].

2910

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States* <sup>1</sup>

Private.

LONDON, May 10, 1850.

MY DEAR SIR: M. Marcoleta, Chargé de Affaires of Nicaragua, made a verbal statement to me yesterday, which he has since committed to paper—a copy of which I herewith enclose <sup>2</sup>—

practicable, in promoting the objects of general interest which their respective Governments may contemplate.

Her Majesty's Government have readily acquiesced in this proposal: And I have accordingly to instruct you to act in conformity with the views pointed out in Sir Henry Bulwer's Dispatch, and in the correspondence above referred to; and you will take every opportunity of cooperating with the Agents of the United States in order to place the relations of the two countries, in regard to the affairs of Central America upon a footing of cordial friendship.

I am [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 61. Received [May 27, 1850]. The receipt date did not appear on this private despatch, but the above date was found on the enclosure with it.

<sup>2</sup> It follows:

*Statement of José de Marcoleta, Nicaraguan Chargé d' Affaires at London, to Abbott Lawrence, United States Minister to Great Britain*

[TRANSLATION FROM THE FRENCH]

LONDON, May 11, 1850.

The principal object of M<sup>r</sup> Molina's journey to Madrid, was that of endeavoring to conclude a treaty with Spain, in which, the latter power was to bind itself to recognize the limits which are disputed by Costa Rica to Nicaragua. In this manner Costa Rica acquires a title or right of succession, which will be sustained by Great Britain whose principal Minister for Foreign Affairs (Lord Palmerston) has promised M<sup>r</sup> Molina to recognize the limits, to the southward, as far as *Boca del Toro* belonging to New Granada; and also over a great portion of the coast which the English government recognises as belonging to the self styled King of the Mosquitos, provided, that Spain shall recognize the sovereignty of Costa Rica over those territories disputed by New Granada, and over those which the British government lays claim to in favor of the King of the Mosquitos.

M<sup>r</sup> Molina has already addressed and presented to M<sup>r</sup> Pridal Minister of Foreign Affairs for Spain, the projet of a Treaty, in conformance with what has been stated above.

On his own part M<sup>r</sup> Pridal has promised M<sup>r</sup> Molina not only to recognize Costa Rica as the owner and sovereign of the Mosquito coast, but also to furnish him with the papers and documents that have been preserved, and are now to be found in the archives

M. Marcoleta has intimate friends in Madrid from whom he received his information, which he says may be relied upon as true— If it be truthful, it is an extraordinary movement on the part of this Government, while the negotiation is pending between yourself and Sir Henry Bulwer— I shall seek an early interview with Lord Palmerston, and if possible ascertain whether any thing is proposed that will compromit the interests of the United States— After the open declarations that have been made by both Countries respecting the Central American Republics—I think we have a right to ask this Government whether it intends to carry out not only in letter but in spirit the views that have been repeatedly expressed upon this question.

How Great Britain can transfer the Mosquito Territory to Costa Rica I cannot imagine, and Spain has no more rights in Central America than Great Britain possesses in the United States.

I hope you may have concluded a Treaty which will guard the United States against trouble hereafter, and if possible provided a mode of settling the questions of Boundaries between the states—

I am [etc.].

2911

*Henry Lytton Bulwer, British Minister to the United States, to John M. Clayton, Secretary of State of the United States*<sup>1</sup>

BRITISH LEGATION, May 11, 1850.

SIR: I am instructed by Lord Palmerston to inform you that the French Government has expressed its willingness to cooperate with that of Her Majesty and that of the United States for the purpose of arresting the conflict between the different races in S<sup>t</sup> Domingo; and Lord Palmerston desires me to inform you that he considers the best course to pursue in order to effect the said purpose is to instruct the Representatives of England, France and the United States at Haiti to make a joint and concurrent representation to the Haitian Government in order to induce them to consent to a Treaty of peace and friendship with the Dominican Republic.

I avail myself [etc.].

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of State in Spain, in relation to the questions at issue between England and Spain on the subject of Mosquito.

M<sup>r</sup> Abbott Lawrence is requested to communicate this information to his government, and *especially to his colleague* at Madrid, in order to put a stop to all those intrigues which might embarrass the pending negotiations in regard to the actual question.

It must be borne constantly in mind that England and Costa Rica are endeavoring to embarrass and to thwart these negotiations, especially the Canal projet, for M<sup>r</sup> Molina has made a treaty in London for the establishment of a Canal on the Isthmus which is to cross the State of Costa Rica.

Mr. Lawrence is also requested not to communicate to Lord Palmerston the source of this information; but simply that he has obtained it by his own exertions.

<sup>1</sup> Notes from Great Britain, vol. 27. The receipt date was not indicated.

2912

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton,  
Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 52

LONDON, May 17, 1850.

SIR: I have the honor to acknowledge the receipt of Your despatch N<sup>o</sup> 21,<sup>2</sup> and its enclosures. I am pleased to learn from your private note<sup>3</sup> by the same Steamer that you have concluded a Treaty with Sir Henry Bulwer with reference to Central America. I do not entertain a doubt that it will be acceptable to this Government. I have just come from an interview with Lord Palmerston who informed me that he had not yet found time to read it.

<sup>4</sup> . . . Lord Palmerston assures me that the information contained in the note I received from M. Marcoleta and transmitted to you in a private note last week<sup>5</sup> is without the slightest foundation,—that M<sup>r</sup> Molina called upon him, said he was going to Spain to obtain from that Government an acknowledgment of the Independence of Costa Rica, and asked for a Note of introduction which he (Lord P.) gave him to a friend residing in Madrid. Beyond this act of courtesy he knows nothing of the object of M. Molina's visit to Spain. . . .

Hoping to receive a copy of the Treaty by the next Mail,  
I have the honor [etc.].

2913

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton,  
Secretary of State of the United States*<sup>6</sup>

No. 56

LONDON, May 30, 1850.

SIR: I have this moment returned from an interview with Lord Palmerston. He says he has examined the treaty,<sup>7</sup> and approves of it; and that this Government will ratify it—that he had instructed Sir Henry Bulwer further on some points, such as giving to Costa Rica the Port of Grey Town, and making provision for certain Territory for the uses of the Mosquito Indians &c &c. Not having seen the treaty I could not discuss its provisions. Besides, Lord Palmerston is now too busy to talk much about it. I have

<sup>1</sup> Despatches, Great Britain, vol. 61. Received May 30.

<sup>2</sup> It was dated April 27, 1850, but it is not pertinent to this publication.

<sup>3</sup> Not found. Concerning Clayton's private letters to Lawrence, see above, this part, the first sentence in note 2, p. 357.

<sup>4</sup> The omitted portions here and at the end of this paragraph are not pertinent to inter-American affairs.

<sup>5</sup> See above, this part, May 10, 1850, doc. 2910, and for the enclosure with it, see note 2 thereto.

<sup>6</sup> Despatches, Great Britain, vol. 61. The receipt date was not indicated.

<sup>7</sup> Clayton-Bulwer Treaty. See Malloy, *Treaties, Conventions, etc., between the United States and Other Powers*, vol. 1, p. 659.

arranged for a further interview, when I shall take the liberty of communicating some of the views expressed in your private letters,<sup>1</sup> & shall write you again. I do not apprehend that there is any difficulty in making a complete settlement of the whole question touching our interests in Central America. If questions should arise respecting British rights under the Protectorate, I think good might come from showing in a friendly way my despatch N° 44<sup>2</sup> to the Cabinet or Lord Palmerston.

It appears to me that some plan should be devised for settling the boundaries of Nicaragua and Costa Rica. They are both ready to submit their differences to arbitrators to be appointed by Great Britain and the United States.

I have the honor [etc.].

## 2914

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>3</sup>

No. 58

LONDON, June 7, 1850.

SIR: I had not the honor of receiving any communication from you by the last mail.

Since my despatch of last week,<sup>4</sup> I have had an interview with Lord Palmerston upon the subject of establishing some form of Government over the Mosquito Territory. He informed me that Sir Henry Bulwer had instructions to propose (as I have already acquainted you)<sup>5</sup> a plan, giving to the Indians a specific Territory over which they may exercise sovereignty, placing San Juan in the hands of Costa Rica, &c. &c. You have doubtless learned all this from Sir Henry Bulwer.

The boundaries between Costa Rica and Nicaragua ought to be settled at once: and I can now see no way in which this can be done except through the good offices, mediation, or arbitration of Great Britain and the United States. Lord Palmerston appears to be much pleased with the Treaty, and says it will be satisfactory to this Government. I touched upon the distance from the shore where captures should be valid on the ocean. He asked me whether I had come to any conclusion on that point. I answered that I had not, but it had occurred to me (without however consulting any one) that about one hundred and fifty miles should be the distance. To this he rejoined that it seemed reasonable, but he would consult Naval men—the Lords of the Admiralty—on that point. I am inclined to believe that every Nation in Europe will join in this Treaty of Guarantee. To the United

<sup>1</sup> Concerning Clayton's private letters to Lawrence, see above, this part, the first sentence in note 2, p. 357.

<sup>2</sup> Above, this part, April 19, 1850, doc. 2907.

<sup>3</sup> Despatches, Great Britain, vol. 61. Received June 24.

<sup>4</sup> He presumably refers to his No. 56, May 30, 1850, above, this part, doc. 2913.

<sup>5</sup> See the despatch cited in the footnote immediately preceding.

States will belong the honor of having taken the first step in this great international work, and of having brought together the different Nations of the Earth for its accomplishment. Great Britain now desires to finish everything relating to Central America, so far as the United States is concerned. All its Agents will be withdrawn from the Mosquitos. Yet I cannot but fear that British subjects will undertake to protect the Mosquito King, if the sovereignty over any portion of Central America is left vested in him, and that hereafter we may have trouble through American Traders, who will visit Blue Fields and other parts of that Territory. You have better means of information than I, on this point. If you have not already provided against this, I hope that, by a supplemental Treaty, you will define exactly the respective rights of the several parties claiming upon the Isthmus, so that the possibility of future difficulty may be avoided.

I have the honor [etc.].

2915

*Abbott Lawrence, United States Minister to Great Britain, to William C. Rives, United States Minister to France*<sup>1</sup>

LONDON, June 21, 1850.

SIR: My Instructions of the 26<sup>th</sup> of May last<sup>2</sup> directed me as soon as I "should have ascertained that the Convention respecting Central America and the Ship Canal had been approved by the British Government," "to communicate the intelligence to M<sup>r</sup> Rives, who is instructed to negotiate a similar treaty with the Government of France."

I have now the honor to inform you that I was yesterday notified by Viscount Palmerston, the Secretary of State for Foreign Affairs, that the Convention was yesterday approved by Her Majesty's Government, and that instructions to that effect will be this day forwarded to the British Minister at Washington.

I have the honor [etc.].

2916

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 61

LONDON, June 21, 1850.

SIR: Lord Palmerston acquainted me yesterday with the fact, that the Convention concluded by yourself and Sir Henry Lytton Bulwer had been

<sup>1</sup> Despatches, Great Britain, vol. 61; enclosed with Lawrence to the Secretary of State, No. 61, June 21, 1850, below, this part, doc. 2916.

<sup>2</sup> See above, this volume, pt. 1, doc. 2707.

<sup>3</sup> Despatches, Great Britain, vol. 61. The receipt date was not indicated.

approved by this Government, and would probably be forwarded by this Mail to Washington. In accordance with your instructions I have advised M<sup>r</sup> Rives of the above fact by a letter of which I enclose a copy.<sup>1</sup>

2917

*Henry Lytton Bulwer, British Minister to the United States, to John M. Clayton, Secretary of State of the United States*<sup>2</sup>

### DECLARATION

In proceeding to the exchange of the Ratifications of the Convention signed at Washington on the 19<sup>th</sup> of April 1850 between Her Britannick Majesty and the United States of America, relative to the establishment of a communication by ship Canal between the Atlantic and Pacific Oceans,

The undersigned, Her Britannick Majesty's Plenipotentiary, has received Her Majesty's instructions to declare, that Her Majesty does not understand the engagements of that Convention to apply to Her Majesty's settlement at Honduras or to its Dependencies.

Her Majesty's Ratification of the said convention is exchanged under the explicit Declaration abovementioned.

Done at Washington the 29<sup>th</sup> day of June, 1850.<sup>3</sup>

<sup>1</sup> Above, this part, June 21, 1850, doc. 2915.

The omitted portion of this despatch relates to European politics.

<sup>2</sup> Notes from Great Britain, vol. 27. Received June 29.

<sup>3</sup> This date was written in a different hand from the rest of the note and was apparently inserted after it reached the Department. In the following memorandum, written on the back of this note and signed by Clayton, dated July 5, 1850, the sentence, "The blank in the declaration was never filled up," which was later cancelled in pencil and omitted entirely in the copy of this memorandum, filed in Notes to Great Britain, vol. 7, is presumably a reference to the omission of the date:

### *Memorandum*

DEPARTMENT OF STATE, WASHINGTON, *July 5, 1850.*

The within declaration of Sir H. L. Bulwer was received by me on the 29th day of June 1850. In reply I wrote him my note of the 4th of July [Above, this volume, pt. 1, doc. 2709.—Ed.] acknowledging that I understood British Honduras was not embraced in the treaty of the 19th day of April last, but at the same time carefully declining to affirm or deny the British title in their settlement or its alleged dependencies. After signing my note last night I delivered it to Sir Henry & we immediately proceeded without any further or other action to exchange the ratifications of said treaty. The blank in the declaration was never filled up. The consent of the Senate to the declaration was not required and the treaty was ratified as it stood when it was made.

JOHN M. CLAYTON.

N. B. The rights of no Central American State have been compromised by the treaty or by any part of the negotiations.

2918

*Henry Lytton Bulwer, British Minister to the United States, to John M. Clayton, Secretary of State of the United States*<sup>1</sup>

BRITISH LEGATION, July 4, 1850.

SIR: I understand the purport of your answer to the declaration dated the 29<sup>th</sup> June which I was instructed to make to you<sup>2</sup> in behalf of Her Majesty's Government to be—That you do not deem yourself called upon to mark out at this time the exact limits of Her Majesty's settlement at Honduras, nor of the different Central American States, nor to define what are or what are not the dependencies of the said settlement; but that you fully recognise that it was not the intention of our negotiation to embrace in the Treaty of 19<sup>th</sup> April whatever is Her Majesty's settlement at Honduras, nor whatever are the Dependencies of that settlement, and that Her Majesty's title thereto subsequent to the said Treaty will remain just as it was prior to that Treaty, without undergoing any alteration whatsoever in consequence thereof. It was not the intention of Her Majesty's Government to make the declaration I submitted to you more than a simple affirmation of this fact, and consequently I deem myself now authorised to exchange Her Majesty's Ratification of the Treaty of 19<sup>th</sup> of April for that of the President of the United States.

I shall take the earliest opportunity of communicating to Her Majesty's Government, the desire which you express to have determined the distance from the two ends of the Canal within which vessels of the United States or Great Britain traversing the said Canal shall in case of war between the Contracting Parties be exempted from blockade, detention, or capture by either of the belligerents and I will duly inform Her Majesty's Government of the interest which you take in this question.

I avail myself [etc.].

2919

*Henry Lytton Bulwer, British Minister to the United States, to John M. Clayton, Secretary of State of the United States*<sup>3</sup>

WASHINGTON, July 23, 1850.

MY DEAR SIR: I see that Mr Hise's treaty<sup>4</sup> has been given to Congress. I presume that this is on the ground that the Government does not think it a proper treaty to be submitted to the Senate. It would in fact be in direct contradiction to the treaty with us.

<sup>1</sup> Notes from Great Britain, vol. 27. The receipt date was not indicated.

<sup>2</sup> See above, this part, doc. 2917, for British Minister Bulwer's note; and for Secretary Clayton's answer, see above, this volume, pt. I, July 4, 1850, doc. 2709.

<sup>3</sup> Notes from Great Britain, vol. 27. The receipt date was not indicated.

<sup>4</sup> See it above, vol. III, p. 376, note.

I ought to have called your attention, the other day, to M<sup>r</sup> Squier's treaty,<sup>1</sup> which is before the Senate. You will perceive by the papers in your office that President Taylor engaged that this treaty, if ratified by him, should accord with the spirit and intentions of the treaty with Great Britain. For this purpose many changes in it will be required. I have reason to believe that the Nicaraguan Government will ere long request, of its own accord, that these changes should be made, and it is in fact very important that the treaty made between the United States and Nicaragua, (if any treaty is made at all) be such an one as could also be made between Nicaragua and Great Britain;<sup>2</sup> for without this, I do not see how the American Company, according to its charter can receive our protection, or that the general purposes of the arrangement made between England and the United States, can be carried out.

<sup>1</sup> The British Minister refers to the treaty made by Squier in behalf of the United States with Nicaragua, dated September 3, 1849. Only the thirty-fifth article of that treaty relating to the ship canal is included in this publication. See it above, vol. III, p. 360, note 2.

<sup>2</sup> In the manuscript volume entitled, *Drafts of Treaties between the United States and Great Britain*, vol. 3, the following two undated and unsigned documents were found, which may or may not have been designed to further this suggestion:

*Basis of a convention proposed by Sir H. L. Bulwer*

Such a Treaty has now been drawn up & has only to be signed; I should be willing to make a similar one with Nicaragua, if required.

1<sup>st</sup>—The United States Government to conclude with Nicaragua a simple Treaty of Commerce which should contain no stipulations, engagements, or declarations, as to the Territorial Rights or limits of Nicaragua.

2<sup>nd</sup> Great Britain to conclude with Nicaragua a Treaty to which the United States might or might not be a party, by which Great Britain on behalf of Mosquito would cede to Nicaragua Grey Town, and a definite district adjoining to it in consideration of the payment of a sum to be agreed upon, the amount of which should be stated in the Treaty, and it would be best that this should be a sum of money to be paid down at once.

3<sup>rd</sup> Nicaragua should engage not to molest in any way, but on the contrary to respect and protect, Mosquito, within the remaining territory left to the same—the inland boundary between those two states should be described in the Treaty.

4<sup>th</sup> The Southern bank of the St John should be acknowledged to belong to Costa Rica.

5<sup>th</sup> The disputed questions between Nicaragua and Costa Rica respecting Guanacaste, on the Pacific should be settled favourably to Costa Rica.

6<sup>th</sup> Grey Town should be a free bonding Port. The duties on exporting from thence into the interior should never exceed a small fixed amount say \_\_\_\_\_ per cent,\* and the Merchants, Goods, Vessels, and Trade of all the States of Central America, should have access to, and the use of the Port, upon the same terms and conditions as the Merchants, Goods, Vessels, and Trade of Nicaragua.

\* This sh<sup>d</sup> be in the interest of all parties be as small as possible and certainly not more than 4 pCent.

N.B. This is here put in, altho' I always took it for granted—because I find Nicaragua wishes to shirk this point wh<sup>ch</sup> is the main feature in the Canal enterprise, & the Treaty of 19<sup>th</sup> April.

N. B. Some expression in any arrangement must be inserted to this effect; viz! That Nicaragua convinced of the justice and friendly feelings of Great Britain as set forth in the accompanying Document willingly withdraws any offensive expressions that



I will not however weary you now in discussing these matters. I only wish to ask you not to do anything with respect to M<sup>r</sup> Squier's treaty (now before the Senate) until you have looked into the correspondence which has taken place upon the subject, and that we have talked over the matter together.

Yours [etc.].

2920

*Abbott Lawrence, United States Minister to Great Britain, to John M. Clayton, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 68

LONDON, July 25, 1850.

When I was engaged on the Central American Negotiations, I frequently saw and conversed with the Chargés d'affaires of Nicaragua and of Costa Rica. The Representative of the latter Republic, M. Felipe Molina, has been accredited as a Diplomatic Agent to the United States, and has, in addition, been empowered to negotiate a Treaty of Friendship, Commerce and Navigation with the United States. On the 21<sup>st</sup> day of February last, M. Molina addressed me a note, informing me of his power in that behalf,

have occurred in her correspondence with that Power, and which might prevent a perfect good understanding being established with the same.

The mere words of this passage may be arranged.—

Art: 7 The cession by Costa Rica of her claim to participate in all the Rights belonging to the joint sovereignty, w<sup>h</sup> she asserts over the River San Juan & the lake, and her consequent abdication of all claim to a share in the advantages to be derived from the contract made by the State of Nicaragua with the Canal Company, it being always understood that such arrangement does not interfere with the Right of Costa Rica to navigate for herself the River San Juan with all Vessels, excepting Steam Vessels during the period of 96 years for which the exclusive Right of Steam Navigation has been granted to a Company.

It is proposed to draw up an article as follows in regard to the sections of land granted by 27<sup>th</sup> Article of their Charter to the A. & P. Canal Co. by Nicaragua.

By Art. 27 of the charter 8 sections of land of dimensions therein stated were granted by Nicaragua to the Co. to be located on either or both banks of the River S<sup>a</sup> Juan. It is proposed that the Co. shall have the right of locating one half of the said Sections on the right (or South Bank) of the River.

Should that Bank however by any future treaty be ceded to Costa R<sup>a</sup> the extent of compensation if any which would then be due from Nicaragua to Costa R<sup>a</sup> in consideration of her Costa Rica's assent to the above arrangmt shall be fixed by arbitration.—

<sup>1</sup> Despatches, Great Britain, vol. 61. Received August 10.

Although this despatch was addressed to Clayton, he had resigned as Secretary of State on July 9 and was succeeded by Webster on July 22, 1850.

The omitted portion at the beginning of this despatch relates to consular matters.

and formally proposing the negotiation of such a treaty in London, to which I replied that I had no power, but would refer the matter to my Government, which I did in my Despatch N<sup>o</sup> 35, dated Feby 22<sup>d</sup>,<sup>1</sup> enclosing copies of both notes. As I have heard nothing from you on the subject, and the despatch has not been acknowledged, I fear it must have miscarried, and enclose, again, similar copies.

On the 20<sup>th</sup> of February, (the day before his note to me,) M. Molina had exchanged the ratifications of such a treaty with Her Majesty's Government. Since then he has been in Spain, and concluded a treaty with that Government; and I also learn that a Treaty has been entered into between Costa Rica and France. He has now returned, and yesterday called upon me to know whether I had received a reply to his proposition, and to exhibit his powers, which I have examined and find satisfactory. He left with me a copy of the Treaty concluded with England, which he proposes to make the model substantially of the one he proposes to conclude with us. I send it herewith for your inspection.<sup>2</sup> I have myself carefully examined its provisions, and can see no objection to adopting it as the basis, should the President desire to enter into Treaty stipulations with that Republic. I earnestly hope the President will deem it advisable to do so. The great changes taking place in the Commerce of the World from our occupation of the Shores of the Pacific, the large products of Gold in California, and the prospect of a ship canal connecting the Atlantic with the Pacific Ocean, greatly increase the importance of all the Central American States. Our people will find their way into all of them; particularly into those through which the canal will pass. The proximity of The United States to this fertile country cannot fail to create intimate personal relations between us—such as, rightly cultivated, will be greatly to the advantage to both Countries. The tide of Commerce, under the impetus that must be given to it almost immediately, will set towards Europe unless we take speedy measures to carry it to our borders. In this connection I beg most respectfully to ask the special attention of the President to our Commercial Relations with these States. I shall be happy to conclude a treaty with M<sup>r</sup> Molina, if the President thinks best to give me powers to that effect. M<sup>r</sup> Molina tells me that he is unable to visit Washington, and hopes the minister at this Court may be entrusted with the authority necessary for the accomplishment of so desirable an object.

, I have the honor [etc.].

<sup>1</sup> See above, this part, doc. 2899, and p. 355, note 1.

<sup>2</sup> Not included in this publication. This printed document consists of eleven folio size pages and is written in English and Spanish, in parallel columns.

2921

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

Private.

WASHINGTON, August 16, 1850.

MY DEAR SIR: I send you inclosed a copy of the Dispatch,<sup>2</sup> to which I alluded in my last conversation with you, with respect to placing Grey Town

<sup>1</sup> Notes from Great Britain, vol. 27. Received August 19.

<sup>2</sup> The enclosure, a communication from Lord Palmerston, the British Secretary of State for Foreign Affairs, to Bulwer, follows:

*Lord Palmerston, British Secretary of State for Foreign Affairs, to Sir Henry Lytton Bulwer, British Minister to the United States*

No. 58

LONDON, May 28, 1850.

SIR: I have received your despatch No. 65 of the 28<sup>th</sup> of April inclosing a copy of the Convention which you concluded with M<sup>r</sup> Clayton on the 19<sup>th</sup> of April upon the subject of the establishment of a communication between the Atlantic & Pacific Oceans by a ship canal by way of the River San Juan de Nicaragua & either or both of the lakes of Nicaragua or Managua—

I have to state to you that H. M.'s Gov<sup>t</sup> entirely approve the Convention which you have signed with M<sup>r</sup> Clayton, & I have at the same time to inform you that The Queen's Ratification will be prepared, & will be sent out to you without delay in order to be exchanged against that of the President of the U. S.

With respect to the mention which is made in the Convention of the kingdom of Mosquito, I have to instruct you to say to M<sup>r</sup> Clayton that the British Crown having for nearly two centuries been under an honourable engagement to protect the people of Mosquito, representations were made to H. M. Gov<sup>t</sup>, in 1844 that the people of that Country were in danger of suffering from the aggressions of some of the neighbouring Spanish States, one of which had already then recently occupied by force the Port of San Juan, which had always been considered as part of the Mosquito territory. In consequence of those Representations H. M. Gov<sup>t</sup> at that time sent out a British agent to examine into & report upon the State of Affairs in Mosquito, & to assist the king of the Mosquitos in organizing his internal arrangements. Further investigation having convinced H. M. Gov<sup>t</sup>, that Grey Town or Port of St. John did rightfully belong to the Mosquito Territory, & the Gov<sup>t</sup> of Nicaragua not yielding to the repeated applications on the part of H. M. Gov<sup>t</sup> to restore that Port to the Mosquitos means were at length employed by H. M. Gov<sup>t</sup> by w<sup>h</sup> the restoration of that Port to the Mosquitos was accomplished, & from that time, namely, from January 1848, the Port has been continued to be held by the Mosquitos under the protection of Great Britain.

But H. M. Gov<sup>t</sup> feel that the present state of things in regard to the Mosquito territory, & especially with regard to the Port of Grey Town is in many respects inconvenient, & not entirely in conformity with the true spirit & meaning of the Convention just concluded between Great Britain & the U. S. The British Gov<sup>t</sup>, is bound in honour to protect the Mosquitos, but H. M. Gov<sup>t</sup> are of opinion that the protection of Great Britain might be afforded to that Nation as effectually in a different way, and without any direct interference of any Agent of the British Gov<sup>t</sup>. in the internal affairs of that Country.

H. M. Gov<sup>t</sup> would propose that Treaties should be concluded with the States of Honduras, Nicaragua and Costa Rica, which border upon the Mosquito Territory, for the purpose of fixing & defining the boundaries between those States respectively and Mosquito; and H. M. Gov<sup>t</sup>. would be glad to have the cooperation of the Gov<sup>t</sup>. of the U. S. in the making of such an arrangement. If such Boundaries were once fixed and established by such treaties, the duties of Protection would have been usefully performed.

But in the framing of such treaties, it would obviously become necessary to make some different arrangement in regard to Grey Town. As that Port would be one of the outlets of the proposed Inter Oceanic Communication, it would be necessary for the purposes of commerce that it should be under the controul of some efficient & organized Gov<sup>t</sup>.; and it is required by the spirit and meaning of the Convention which you have

in the hands of the Government of Costa Rica, and finally disposing of the Mosquito question.

As I believe I mentioned to you, I did not give M<sup>r</sup> Clayton a copy of this Dispatch, but communicated its contents to him verbally.

He seemed generally to agree in their spirit but we did not come to any definite conclusion on the subject.

Always [etc.].

## 2922

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 71

LONDON, August 16, 1850.

SIR: I have the honor to acknowledge the receipt of your N<sup>o</sup> 29,<sup>2</sup> informing me that the President by and with the advice and consent of the Senate has appointed you Secretary of State, and that you have entered upon the duties of the office, and congratulate the President upon the wisdom of his selection, and the Country upon its good fortune in securing the services of so distinguished a statesman. . . .<sup>3</sup>

In this connection it may not be improper to ask your attention to the various matters pending in this Legation.

The first in importance are the unfinished negotiations with reference to Central America. The Treaty concluded at Washington by your predecessor and Sir Henry Bulwer, and now ratified, has, I trust, laid to rest forever the Mosquito question. You will find on the archives of the Department, in my N<sup>o</sup> 44,<sup>4</sup> an historical review of the question, should it become involved

signed with M<sup>r</sup> Clayton, that Grey Town should not either directly or indirectly be under the controul either of G. B. or the U. S.—But in the present condition of the Mosquito nation the Chief of that Country could not establish any sufficiently well organized system of administration in Grey Town without the assistance of the direct & detailed Intervention of British Agency in that Town.

In order to obviate these inconveniences H M Gov<sup>t</sup> would propose that the Treaty to be concluded between the Mosquitos & Costa Rica should so fix the boundary between those States as to include Grey Town within the limits of Costa Rica, some suitable & adequate compensation being made to the Mosquitos for this cession on their part. Such an arrangement would secure the establishment in Grey Town of a well organized Gov<sup>t</sup> wholly independent both of Great Britain & the United States, & as the Relations between Costa Rica & the Mosquitos have been always friendly, the close contact of the two would not be likely to be productive of any future differences between them.

By such an arrangement the two ends of the Sea to Sea communication would be in the keeping of the two Central American States, the nearest geographically to each, & the most interested respectively in rendering the communication as useful as possible for the general purposes of Commerce.

You will accordingly propose this arrangement to M<sup>r</sup> Clayton.

I am [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 61. Received August 31.

<sup>2</sup> Not included in this publication.

<sup>3</sup> The omitted portion relates to the reappointment of a despatch agent at London.

<sup>4</sup> Above, this part, April 19, 1850, doc. 2907.

in future negotiations. This, however, is but one of the difficulties to be surmounted. The States of Costa Rica and Nicaragua are in dispute as to their boundaries, each claiming a portion of the territory over which the proposed canal will undoubtedly pass. On the 14<sup>th</sup> of December last, in a note to Lord Palmerston of which a copy accompanied my despatch N<sup>o</sup> 20,<sup>1</sup> I invited the British Government to offer its good offices jointly with the United States, for the settlement of the question; which invitation afterwards received the hearty approval of the late President Taylor. Lord Palmerston has never replied to this note, but I have reason to think he is willing to join with us for such a purpose. I have also spoken on the subject to the Chargés d'Affaires of Nicaragua and Costa Rica respectively, in interviews described in my N<sup>o</sup> 25.<sup>2</sup> The Nicaraguan Agent is now and has for some time been on the Continent, where he represents his Government at various courts. I have not heard from him officially on the subject. The Costa Rican Chargé, acting, I doubt not, with the full knowledge of Lord Palmerston, addressed me last week an official note, of which I enclose a copy, as also a copy of my reply.<sup>3</sup> I respectfully, but earnestly, ask your

<sup>1</sup> His despatch No. 20, dated December 28, 1849, and the accompanying enclosure are both above, this part, docs. 2888 and 2887.

<sup>2</sup> Above, this part, January 25, 1850, doc. 2891.

<sup>3</sup> These two notes, dated August 5 and 6, 1850, follow:

*Felipe Molina, Costa Rican Chargé d'Affaires at London, to Abbott Lawrence, United States Minister to Great Britain*

LONDON, August 5, 1850.

SIR: I have the honor to state that having duly reported to my Government the offer that your Excellency had the kindness to make verbally to me that the Government of the United States were disposed to use their good offices conjointly with the Cabinet of Saint James's in order to bring about the settlement of the boundary differences actually existing between Costa Rica & Nicaragua,—I have received special instructions enjoining me to express to your Excellency the deep gratitude of my country for the interest the American Government have taken in its behalf, and to declare likewise in the manner which may be considered most binding that the Republic of Costa Rica does unreservedly accept the high mediation of the United States and Great Britain for the purpose aforesaid with a perfect confidence in the justice and wisdom of their councils.

It is, therefore, my pleasing duty to assure your Excellency that Costa Rica fully concurring in the magnanimous and philanthropic views of both Powers set forth in their Convention signed in Washington on the 19<sup>th</sup> April of the present year is willing to submit the question of her rights over all the territories in dispute between Nicaragua and herself, to the combined mediation or arbitration of Great Britain and the United States and to hold their joint decision as final and irrevocable, provided Nicaragua should have previously placed herself under a similar obligation. I beg at the same time to state that even in a contrary supposition, Costa Rica will nevertheless be prepared to listen to, and disposed to adopt any plans of arrangement which the Cabinets of Washington and Saint James's, by common consent, may suggest, in the way of mutual renunciations, exchanges or indemnities, if necessary, or to concur in any opinion they may express with a view to a final determination & settlement of the boundary differences in question, and to the facilitating the construction of a ship canal.

I have likewise to acquaint your Excellency that I am authorized, if it is deemed desirable, to sign any Treaty or engagement in reference to the declarations above stated.

As to the mode of carrying out the proposed mediation or arbitration, perhaps your Excellency will allow me to suggest that as I have full powers from my Government for the purpose, the Government of Nicaragua should be invited to send to their Minister here equal powers, when the affair could be settled with your Excellency's coöperation and that of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs to

attention to this communication, as I believe this to be almost the only obstacle in the way of the construction of the canal.

Akin to this I wish also to call to your notice the correspondence between M<sup>r</sup> Molina and myself relative to the negotiation of a treaty of amity and Commerce between our respective Countries, enclosed in my N<sup>o</sup> 68.<sup>1</sup> I still remain of the opinion there expressed that the commercial interests of The United States demand the conclusion of such a treaty. Although I sent this correspondence to the Department as long ago as the 22<sup>d</sup> of February,<sup>2</sup> I have received no reply.

M<sup>r</sup> Bancroft forwarded in his N<sup>o</sup> 143 a copy of a proposed Treaty between Belgium and Nicaragua.<sup>3</sup> In my N<sup>o</sup> 37<sup>4</sup> I asked for this on behalf of M. Marcoleta, who loaned it to M<sup>r</sup> Bancroft. I have had no answer.

Having thus placed before you the present situation of the business of this Legation

I have the honor [etc.].

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whom I address, under the same date, a letter identical with the present communication to your Excellency. On behalf of Costa Rica, however I shall be prepared to adhere to any other plan that may be preferred for the above purpose by the mediating powers.

In the mean time, intelligence having been received of the formation of a confederacy between Nicaragua, Salvador, and Honduras with objects hostile to the peace and independence of Guatemala and Costa Rica, I have to express the confident trust entertained by Costa Rica, that the influence of the American and British Governments will be used to dissuade Nicaragua, or any other of the Central American States from any violent attempts or acts of aggression against her.

It is most satisfactory for me to state that the Packet which has just arrived with the Mails from Costa Rica up to the end of last June, brings intelligence of the continued internal tranquillity, which Costa Rica has for so many years enjoyed; and that the Government of the Republic has become still more consolidated in the affections and prosperity of the people whose material progress would be injuriously interrupted should they be called upon to abandon industrious pursuits in order to prepare a resistance to any attacks with which an external and misguided hostility might menace them.

This opportunity enables me [etc.].

*Abbott Lawrence, United States Minister to Great Britain, to Felipe Molina, Costa Rican Chargé d'Affaires at London*

ALUWICK CASTLE, NORTHUMBERLAND, August 6, 1850.

SIR: Your letter of the 5<sup>th</sup> Inst [Above, in this footnote.—Ed.] was forwarded to me at this place, and I hasten to reply.

It gives me great pleasure to know officially the views of Costa Rica on the subject to which your letter refers. I shall communicate them at once to my government, and ask for such instructions as it may see fit to give me in the matter. Without such instructions, I am not prepared to indicate any way for accomplishing the object you have in view.

The peaceful spirit which animates the Republic of Costa Rica is most praiseworthy. I hope the fears you express that the other Republics of the Isthmus are not actuated by the same spirit may prove groundless: but that, by the preservation of entire harmony among themselves, all will contribute to the speedy construction of a work destined incalculably to benefit Central America.

I pray you [etc.].

<sup>1</sup> His No. 68, July 25, 1850, above, this part, doc. 2920, simply enclosed copies of this correspondence which he had sent previously in his No. 35, February 22, 1850, above, this part, doc. 2899, and which will be found in note I thereto, p. 355.

<sup>2</sup> See footnote immediately above.

<sup>3</sup> The treaty is not included in this publication and neither is it commented upon in Bancroft's despatch No. 143, dated merely August, 1849, above, this part, doc. 2868.

<sup>4</sup> Above, this part, March 8, 1850, doc. 2900.

2923

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, August 17, 1850.

MY DEAR SIR: I send you herewith privately an extract from a memorandum I kept<sup>2</sup> for my own use, relative to the negotiation which terminated

<sup>1</sup> Notes from Great Britain, vol. 27. Received August 19.

<sup>2</sup> It follows:

*Memorandum by Sir Henry Lytton Bulwer, British Minister to the United States*

On the 28<sup>th</sup> June Sir H. Bulwer received Her Majesty's authorization to exchange the ratifications of the treaty signed the 19<sup>th</sup> April [See the instruction of the British Secretary of State for Foreign Affairs, Lord Palmerston, to Bulwer, dated May 28, 1850, above, this part, p. 402, note 2.—Ed.].

At the same time he was instructed to make a declaration that Her Majesty did not intend by this Convention to abandon any right which she possessed over H. M.'s settlement of Honduras and its dependencies.

It is well here to observe that when M<sup>r</sup> Clayton and Sir Henry Bulwer conceived themselves called upon to settle the disagreeable questions which had arisen with respect to the construction of a Canal through the Nicaraguan and Mosquito territory by a treaty, they deemed it advisable, as Sir H. Bulwer had no special instructions upon this subject, to adopt, as far as this could be done, those terms which Lord Palmerston and M<sup>r</sup> Laurence had used upon the same subject in their private Correspondence of November 1849 [See above, this part, the documents marked "Private," dated the 13<sup>th</sup> and 22<sup>d</sup>, docs. 2879 and 2883.—Ed.]. They had not therefore given any definition of their own as to the term "Central America" nor gone into other details which, had no correspondence passed between Lord Palmerston and M<sup>r</sup> Laurence [Lawrence] they might have deemed it expedient to advert to. But Sir H. Bulwer told M<sup>r</sup> Clayton that he considered British Honduras and its dependencies including two Islands called Ruatan and Bonaca, excluded from this treaty; and M<sup>r</sup> Clayton had fully acceded to such exception as a matter of course; and M<sup>r</sup> King, the chairman of the Committee on Foreign Relations in the Senate had stated to the Senate that the terms of the Convention did not apply to British Honduras.

The treaty, indeed, was intended to apply to future and not present possessions in Central America; so that without any question as to what Central America is, H. M.'s settlement in Honduras and its dependencies are not included in the said treaty. Accordingly, M<sup>r</sup> Clayton fully acceded to the principle of the declaration of H. M.'s Gov<sup>t</sup>! [See above, this volume, pt. 1, July 4, 1850, doc. 2709.—Ed.]. He seemed however to apprehend that G<sup>t</sup> Britain might make use of his assent to this declaration, by claiming any portion of Honduras as part of H. M.'s settlement and its dependencies; and his answer tho' perfectly satisfactory as to the real object which H. M.'s Gov<sup>t</sup> had in view, is guarded by this unfounded suspicion; so that while he acknowledges that the Convention of the 19<sup>th</sup> April, does not touch any right which H. M.'s Gov<sup>t</sup> possessed previously in Honduras, he does not pretend to decide what those rights are or over what particular territories they extend.

Sir H. Bulwer's answer [See above, this part, July 4, 1850, doc. 2918.—Ed.] states what the intentions of H. M.'s Gov<sup>t</sup> really were and accepts M<sup>r</sup> Clayton's assent to the declaration he was instructed to make, as satisfactory, with respect to those views which were far from embracing any covert design to extend the British possessions in Honduras beyond the limits which have hitherto been assigned to them.

A question however has arisen out of this declaration which it might be well at a convenient opportunity to set at rest, vizt the definition of the term Central America.

Should this term merely comprise the five states of Guatemala, Salvador, Nicaragua, Honduras and Costa Rica, which formerly constituted the Central American Republic or is it to be construed as extending without those limits into any part of Mexico or New Granada?

This is a question which ought perhaps to be settled to the satisfaction of the two Governments now.

in the treaty of the 19<sup>th</sup> April, and the matters which that treaty still leaves undecided.

As from the conversation which we have had together, it appears to me

If by the term "Central America," is merely meant the five States already alluded to, it surely is not necessary, as M<sup>r</sup>. Clayton seemed to suppose, to draw their precise limits.

It would seem sufficient to say that by the term "Central America," it is only intended to designate those five States with such limits as they may be entitled to.

If however the two Govts should agree to comprise under the term "Central America," any portion of New Granada or Mexico then of course it will be necessary to draw the limit to which the term is intended to apply.

It may here be well to state two or three other points having reference to the Convention of 19 April which likewise require arrangement.

In the 2<sup>d</sup> article of the Treaty it is stated that "Vessels of the United States and Great Britain traversing the proposed Canal, shall in case of war between the Contracting parties, be exempted from blockade detention or capture by either of the belligerents and that this provision shall extend to such a distance from the two ends of the said Canal as may hereafter be found expedient to establish."

It seemed to Sir Henry Bulwer convenient that this matter should for some time be left undetermined; firstly because it is difficult for G<sup>t</sup> Britain and the United States alone to fix at this stage of the affair what distance would be the most for their mutual advantage; and secondly because it seems not altogether unfair since other great powers are to be requested to enter into this treaty that they should also have a voice in this matter.

M<sup>r</sup> King (formerly Chairman of the Committee on Foreign Relations and now President of the Senate) and also other senators of consideration are however anxious to have this point settled at once, and desire to give the terms of the article in question the greatest latitude.

M<sup>r</sup> King was even anxious that vessels passing through the Canal should be exempt from seizure from the commencement to the termination of their voyage.

This idea seemed to Sir H. Bulwer and to M<sup>r</sup> Clayton out of the question. M<sup>r</sup> Clayton indeed appeared to think that though it might suit Great Britain and the United States respectively to extend the neutral distance to a considerable length, as they were both great maritime powers, nevertheless it might not suit them to exempt other powers from whose marine force there was nothing to dread, from the naval power of the United States and Great Britain beyond a very moderate circumscription. He (M<sup>r</sup>. Clayton) was therefore desirous that there should be one distance fixed for all nations by the general treaty and a greater distance fixed by a separate and special agreement for G<sup>t</sup> Britain and the United States.

The whole of this matter remains in abeyance, tho' called to the attention of H. M's Gov<sup>t</sup> by M<sup>r</sup> Clayton's note of 4 July. [Above, this volume, pt. 1, doc. 2709.—Ed.]

Another matter to determine is whether the protection which H. M's Gov<sup>t</sup> engages to afford to any Company having the permission of the local Government to construct the specified Canal, should be accorded to the American Company now having a contract with Nicaragua for this purpose; and if so whether the terms of the said Contract are such as the two Govts can approve of.

It is right to observe that this Company seems already to have expended some money on the object in question, and the conduct of its agent throughout the pending discussions between the two Govts. has been such as to facilitate the friendly arrangement to which the Govts of G<sup>t</sup> Britain and the United States at last arrived. The contract of the said Company is annexed to this statement. [Not found in the manuscript volume, but he presumably refers to the contract which follows the thirty-fifth article of Squier's treaty, above, vol. III, p. 360, note 2.—Ed.]

The one article which appears to require amendment is article 19<sup>th</sup>.

This article seems to Sir H. Bulwer and M<sup>r</sup> Clayton at variance with the general spirit and intentions of the Convention between G<sup>t</sup> Britain and the United States, and might lead to great abuses.

It is clear that if Nicaragua and the adjoining States of Central America obtain the advantage of a canal passing through or near their territories, to be guaranteed and protected by other powers, they have no fair pretension to claim any special privileges for themselves, as to the transit on such Canal, over those powers by whom the safety of the said Canal is protected.



that there will be no difficulty between us, respecting M<sup>r</sup> Squier's treaty<sup>1</sup> I do not trouble you, in the inclosed memorandum, with any observations on that head.

Whilst on the subject of the Senate, I may mention that it seems to me that the notes exchanged between myself and M<sup>r</sup> Clayton previously to signing the treaty,<sup>2</sup> as well as the Declaration respecting British Honduras previous to the Ratification,<sup>3</sup> might as well be laid before that body.

Yours [etc.].

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But one question now remains; it is certainly the most important one. The object of the treaty of the 19<sup>th</sup> April was to deal at that time with all those difficulties which could then be satisfactorily disposed of, and to smooth away the impediments for dealing finally with others.

By declaring that the two Govts would protect the Canal from the one end to the other, any question of the one protecting it on the ground that it all belongs to Nicaragua, and of the other protecting it on the ground of its belonging in part to the Mosquitos is done away with.

The jealousy which might have existed also on the ground that G<sup>t</sup> Britain might in virtue of its protectorate of the Mosquito King, obtain exclusive privileges and advantages in that portion of the Canal which will run through a territory which G<sup>t</sup> Britain declares to be Mosquito territory, is also removed by the declaration that G<sup>t</sup> Britain will not in virtue of any such protectorate, obtain directly or indirectly any such exclusive privileges, and by the promise that the two powers will use their best endeavours to establish a free port at either end of the said Canal; But it is clear that no perfectly satisfactory arrangement as to this whole subject can become to without providing for some such Government at Grey Town, as can exercise an independent authority, and be alike acknowledged by Great Britain and the United States.

Great Britain under certain conditions would be disposed to carry the accommodating spirit which she has shewn throughout the whole of this affair still farther.

She certainly could not consent, after the past conduct and correspondence of the two Govts of G<sup>t</sup> Britain and Nicaragua to place Nicaragua in possession of the disputed territory, nor would it for various reasons be advisable that the same Central American State should hold possession of the two ends of the projected Canal. But it so happens that there is a dispute between Nicaragua and Costa Rica as to their respective boundaries and H. M.'s Govt would be disposed to favor a general arrangement under which she would undertake to obtain from the King of the Mosquitos, the cession to the Gov<sup>t</sup> of Costa Rica of that territory including Grey Town, which is approximate to the San Juan River, the said Gov<sup>t</sup> making concessions to Nicaragua as to a portion of that territory which is in dispute between them.

This arrangement which seems the most feasible and advantageous for all parties, is one to which the attention of the United States Gov<sup>t</sup> should be particularly called, as there can be little doubt that if it is adopted by G<sup>t</sup> Britain and the United States, it would at once be accepted by Costa Rica and Nicaragua.

The terms under which G<sup>t</sup> Britain would be willing to negotiate on this matter may be thus given.

(See Viscount Palmerston's Dispatch to Sir H. Bulwer, of 28 May 1850 inclosed in a separate note). [It was enclosed in Bulwer's note to Webster, dated August 16, 1850, above, this part, doc. 2921, and for it, see note 2 thereto.—Ed.]

<sup>1</sup> He refers to the treaty made by Squier in behalf of the United States with Nicaragua. The thirty-fifth article of this treaty, dated September 3, 1849, is above, vol. III, p. 360, note 2.

<sup>2</sup> He presumably refers to those above, this part, March 27 and April 19, 1850, docs. 2904 and 2906, and, above, this volume, pt. I, April 19, 1850, doc. 2704.

<sup>3</sup> Above, this part, June 29, 1850, doc. 2917.

## 2924

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

BRITISH LEGATION, August 17, 1850.

SIR: In the month of March, M<sup>r</sup> Clayton stated to me his wish that the Government of Her Majesty, and that of France should unite with the Government of the United States in preventing all hostilities between the Government of Santo Domingo, and the Government of Haiti. Her Majesty's Government at once adopted M<sup>r</sup> Clayton's suggestion, as did the Government of France.

M. Bois le Comte and myself both received information to this effect as have I believe our respective Consuls at Port au Prince and Santo Domingo.

I mentioned in May last, to M<sup>r</sup> Clayton, the assent of Her Majesty's Government to his proposal:<sup>2</sup> He said that the United States Government had no diplomatic Agent at present accredited in Haiti or Santo Domingo, but that one would shortly be accredited to the Dominican Republic, and that he should receive instructions to act in conjunction with the English and French Agents in furtherance of the specified object.<sup>3</sup>

It was with some surprise therefore that I learnt, by having the inclosed Document transmitted to me,<sup>4</sup> that a Gentleman representing in some way or other the United States Government (M<sup>r</sup> Green) had been acting in this matter without any consultation or understanding with Her Majesty's Agent, and moreover I have this day been informed that it having become evident that hostilities were about to be recommenced by the Government of Hayti, Her Majesty's Agent in Santo Domingo requested the cooperation of the Agent of France and the Agent of the United States in stopping the threatened invasion; It is to be remarked however that whilst the former at once consented to a joint representation, the latter preferred writing a separate note.<sup>5</sup>

As the idea of the joint interference by the three Powers was suggested by the late Secretary of State of the United States, I think that you will agree with me that it would be desirable that Instructions, in conformity therewith, were sent to the Gentleman, whatever may be his rank or position, in Dominica, who now holds himself authorized to act on the part of the United States.

Should you however see cause to adopt any other course I shall be very much obliged to you to inform me of it.

I avail myself [etc.].

<sup>1</sup> Notes from Great Britain, vol. 27. Received August 19.

<sup>2</sup> See above, this part, May 11, 1850, doc. 2911.

<sup>3</sup> See above, this volume, pt. 1, May 20, 1850, doc. 2706.

<sup>4</sup> The enclosed document, from Special Agent Green to the Haitian Minister of Foreign Affairs, dated May 8, 1850, was the same as that above, vol. vi, p. 83, note 1.

<sup>5</sup> Not found.

2925

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

Private.

BOSTON, September 3, 1850.

MY DEAR SIR: I have the honour to inclose herewith an extract of a despatch from the Governor of Jamaica to Earl Grey<sup>2</sup> relative to a protest which has been issued by M<sup>r</sup> Joseph N. Livingston from the Consulate of the United States at Grey Town; and I have been instructed to draw the attention of the United States Government to this proceeding of M<sup>r</sup> Livingston, and at the same [time?] to represent how inconsistent it is with the good understanding which has been established between the British and the United States Governments in regard to the affairs of Central America: As I should have done this verbally if I had been at this moment in Washington, I do so now in this manner, in order that you may have prompt communication upon the subject; I do so also the more anxiously because I am desirous to draw your attention to the letter which I addressed to you some time since inclosing you the suggestion Lord Palmerston authorised me to make respecting Grey Town.<sup>3</sup>

We are not anxious to retain the Mosquito sovereignty under our protectorate over this spot directly we can find a convenient substitute for it. But we cannot admit the Nicaraguans, whose right thereto we in nowise recognize, into that possession.

You will perceive that by our Treaty we engage to use our best endeavours to establish Grey Town as a Free Port, and this we shall do; but in the meantime it would be well that your inferior Agents do not try to pick up

<sup>1</sup> Notes from Great Britain, vol. 27. Received September 6.

Secretary Webster's answer to this note was not found.

<sup>2</sup> It follows:

*Extract of a Letter from the Governor of Jamaica to Earl Grey, dated June 7, 1850*

A letter has been received from M<sup>r</sup> Joseph N. Livingston dated Consulate of the U. S. Leon de Nicaragua, 26<sup>th</sup> April, addressed "To the Existing Authorities of the Port of St Juan de Nicaragua," [Below, this part, p. 417, second document in note 2.—Ed.] in which M<sup>r</sup> Livingston protests against the new Tariff recently established at Grey Town, & says that he has instructed all citizens of the U. S. not to pay the duties except under protest, and that he holds the Authorities at St Juan responsible for all exports destined for the U. S.

To this letter M<sup>r</sup> Daly the King of the Mosquitos, Captain of the Port has replied [Not found.—Ed.] that he is not aware of any U. S. Consul being acknowledged at the Port of Grey Town (formerly St Juan) by the Mosquito Govt.

Whilst these things are going on public rumour speaks of a treaty between H. M & the U. S. for the settlement of affairs on the St Juan & Lake of Nicaragua. If this report should be well founded I venture to suggest that some early communication of it should be made to the State of Nicaragua with a view of stopping disputes which I am under daily apprehension may result in very disagreeable consequences, an apprehension which is rather increased by the recent intelligence of lawless Americans on a part of the Coast of Cuba.

<sup>3</sup> He presumably refers to that dated August 16, 1850, above, this part, doc. 2921, and to the enclosure with it, dated May 28, 1850, in note 2 thereto.

a quarrel on the question, and it would also be well if we ourselves could make some definite arrangement about it.

Believe me [etc.].

2926

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, September 26, 1850.

SIR: In reference to the conversations which have recently taken place between us, relative to the mediation which the Governments of Great Britain, France and the United States are prepared to offer jointly to the Governments of Hayti and S<sup>t</sup> Domingo, with the view of effecting a peace between these two Governments; and to the instructions I have received from Her Majesty's Government to take an early opportunity of coming to some understanding with you and the French Minister, in order that the proposal of a joint mediation of Great Britain, France and the United States may be at once carried into effect, I take the liberty of informing you that I have communicated to Her Majesty's Government your intention of appointing forthwith some accredited agent to the Government of S<sup>t</sup> Domingo<sup>2</sup> in order that the same might act in conjunction with the agents of Great Britain and France in carrying out the object which the three Governments have in view; and I have likewise stated to Her Majesty's Government that you have been so obliging as to say that, if I and the French Minister can point out to you any course of mediation which our respective Governments will agree to adopt, you will take such plan into your consideration, and endeavour to assimilate the instructions of the United States Agent, to those which will be forwarded to the agents of England and France.

I avail myself [etc.].

2927

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>3</sup>

WASHINGTON, September 27, 1850.

MY DEAR SIR: I enclose you a memorandum<sup>4</sup> which I think contains the principle points to which it is desirable to draw your attention; and I wish you expressly to bear in mind that the thing we have to look to is the final settlement of all these disputed questions, by the best and fairest

<sup>1</sup> Notes from Great Britain, vol. 27. Received October 1.

<sup>2</sup> See Webster's note to Bulwer, August 20, 1850, above, this volume, pt. 1, doc. 2711.

<sup>3</sup> Notes from Great Britain, vol. 27. Received October 1.

<sup>4</sup> It immediately follows at the close of this note.

arrangement that can be made according to the views and engagements of each particular party and the common advantage of all. I ought to add that I clearly understood, when I first signed the project of the treaty that was subsequently shaped into form by the Convention of the 19<sup>th</sup> of April, that I did so in the full understanding that M<sup>r</sup> Squier's treaty<sup>1</sup> was not to be presented, in such case, in its present shape; and, in fact, President Taylor did at that time refuse to lay the said treaty before the Senate. When it was subsequently communicated to this body, M<sup>r</sup> Clayton told me that this had taken place because he believed that the project to which he had subscribed would not be approved of by our respective Governments & could not consequently be realized; and finally when the said project was approved of by the Governments of Great Britain and the United States, I did not consent to sign it as a convention until M<sup>r</sup> Clayton assured me in writing and with reference to M<sup>r</sup> Squier's treaty, that the President would not ratify any other treaty, of which the spirit and intentions were contrary to that which we were signing.

I avail myself [etc.].

*Portions of M<sup>r</sup> Squier's treaty with Nicaragua which seem to require amendment*

In the Second Section of Article 35, there is a passage beginning after the word "proceed" & going down to the end of said Section to the word "article."

In this passage the United States "recognize the rights of Sovereignty and property which the State of Nicaragua possesses in and over the line of said canal" (meaning the canal which it is proposed to construct across Central America by the lakes of Nicaragua and the river San Juan, a part of which has been solemnly declared by Great Britain to belong to another power and been placed by a British force in the possession of that power) and the United States then guarantee [""] the entire neutrality of the same, so long as it shall remain under the controul of citizens of the United States."

Thus there are in this passage two paragraphs, the one concerning the recognition of the rights of Nicaragua over the line of the said canal; the other providing it should be under the controul of American citizens. With respect to this latter point, when the treaty with Nicaragua was negotiated by M<sup>r</sup> Squier, the contract that had been made with Nicaragua by the company which had engaged to construct the aforesaid canal, stipulated (art. 9) that two thirds of the shares of such canal should be held by citizens of the United States and that consequently the said canal should be under the controul of such citizens.<sup>2</sup> The treaty of M<sup>r</sup> Squier applied to this state of circumstances; but since that time the American Company

<sup>1</sup> He refers to the treaty made by Squier in behalf of the United States with Nicaragua, dated September 3, 1849, the thirty-fifth article of which is above, vol. III, p. 360, note 2.

<sup>2</sup> This contract is printed in full immediately following Squier's treaty, cited in the preceding footnote. It will be noted that the above-mentioned stipulation of article 9 differs somewhat from the content of that article found in the contract.

just alluded to has found reason to have the article which confined the company to being an American Company struck out from its contract with Nicaragua; and two gentlemen belonging to this company are now actually gone to England in order to invite European capitalists to subscribe to the undertaking. It seems therefore advisable and indeed necessary to withdraw the provision that "the canal should remain under the controul of citizens of the United States," from the treaty between Nicaragua and the United States, as it has been withdrawn from the contract between Nicaragua and the Canal Company, or the treaty and contract will not coincide; which it is evidently intended that they should do. As to the recognition of the right of Nicaragua over the whole line of the canal, the objections that are to be made to it rest on three or four grounds.

1<sup>st</sup> This recognition brings, as has been stated, the United States Government into direct conflict with an opinion which Great Britain has expressed and acted upon with regard to a portion of the same line.

2<sup>dly</sup> It is likely to prevent the construction of the contemplated canal by inspiring distrust in capitalists who could only be induced to advance their money in such an enterprise, which will require so much time and capital to complete it, by the belief that no serious difference with regard to it exists between the two powers most interested concerning it, viz: Great Britain and the United States.

2<sup>dly</sup> 1 Such recognition is for these two above mentioned reasons in some degree, in contradiction with the treaty of 19 April, which was not made nor ratified when M<sup>r</sup> Squier negotiated his treaty, but which has been made and ratified since. Because the object of this treaty, as expressly stated in the preamble, is to consolidate the relations of amity between the two contracting parties, and also, as is evident from the whole context of the treaty itself, to further the construction of the said canal as much as possible.

4<sup>thly</sup> It may, by already pledging the United States in a specific way, exclude the exercise of their salutary influence with Nicaragua for the purpose of arriving at some friendly arrangement with respect to the jurisdiction to be established over Greytown, an important point at the mouth of the river San Juan, now held by the Mosquitos under the protectorate of Great Britain; and which Great Britain could not re-deliver up to the Nicaraguans, but might and would in some general scheme of compromise and settlement get the Mosquitos to make over to some adjoining central American State such as Costa Rica.

5<sup>thly</sup> This bare act of recognition (and the United States do not mean to carry their opinion farther than the simple expression of such opinion) though it would greatly inflate the hopes and expectations of the

<sup>1</sup> This obviously should have been "3<sup>dly</sup>" instead of "2<sup>dly</sup>," but it was written thus in the manuscript volume.

arrangement that can be made according to the views and engagements of each particular party and the common advantage of all. I ought to add that I clearly understood, when I first signed the project of the treaty that was subsequently shaped into form by the Convention of the 19<sup>th</sup> of April, that I did so in the full understanding that M<sup>r</sup> Squier's treaty<sup>1</sup> was not to be presented, in such case, in its present shape; and, in fact, President Taylor did at that time refuse to lay the said treaty before the Senate. When it was subsequently communicated to this body, M<sup>r</sup> Clayton told me that this had taken place because he believed that the project to which he had subscribed would not be approved of by our respective Governments & could not consequently be realized; and finally when the said project was approved of by the Governments of Great Britain and the United States, I did not consent to sign it as a convention until M<sup>r</sup> Clayton assured me in writing and with reference to M<sup>r</sup> Squier's treaty, that the President would not ratify any other treaty, of which the spirit and intentions were contrary to that which we were signing.

I avail myself [etc.].

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<sup>1</sup> He refers to the treaty made by Squier in behalf of the United States with Nicaragua, dated September 3, 1849, the thirty-fifth article of which is above, vol. III, p. 360, note 2.

<sup>2</sup> This contract is printed in full immediately following Squier's treaty, cited in the preceding footnote. It will be noted that the above-mentioned stipulation of article 9 differs somewhat from the content of that article found in the contract.

just alluded to has found reason to have the article which confined the company to being an American Company struck out from its contract with Nicaragua; and two gentlemen belonging to this company are now actually gone to England in order to invite European capitalists to subscribe to the undertaking. It seems therefore adviseable and indeed necessary to withdraw the provision that "the canal should remain under the controul of citizens of the United States," from the treaty between Nicaragua and the United States, as it has been withdrawn from the contract between Nicaragua and the Canal Company, or the treaty and contract will not coincide; which it is evidently intended that they should do. As to the recognition of the right of Nicaragua over the whole line of the canal, the objections that are to be made to it rest on three or four grounds.

1<sup>st</sup> This recognition brings, as has been stated, the United States Government into direct conflict with an opinion which Great Britain has expressed and acted upon with regard to a portion of the same line.

2<sup>dly</sup> It is likely to prevent the construction of the contemplated canal by inspiring distrust in capitalists who could only be induced to advance their money in such an enterprise, which will require so much time and capital to complete it, by the belief that no serious difference with regard to it exists between the two powers most interested concerning it, viz: Great Britain and the United States.

2<sup>dly</sup> 1 Such recognition is for these two above mentioned reasons in some degree, in contradiction with the treaty of 19 April, which was not made nor ratified when M<sup>r</sup> Squier negotiated his treaty, but which has been made and ratified since. Because the object of this treaty, as expressly stated in the preamble, is to consolidate the relations of amity between the two contracting parties, and also, as is evident from the whole context of the treaty itself, to further the construction of the said canal as much as possible.

4<sup>thly</sup> It may, by already pledging the United States in a specific way, exclude the exercise of their salutary influence with Nicaragua for the purpose of arriving at some friendly arrangement with respect to the jurisdiction to be established over Greytown, an important point at the mouth of the river San Juan, now held by the Mosquitos under the protectorate of Great Britain; and which Great Britain could not re-deliver up to the Nicaraguans, but might and would in some general scheme of compromise and settlement get the Mosquitos to make over to some adjoining central American State such as Costa Rica.

5<sup>thly</sup> This bare act of recognition (and the United States do not mean to carry their opinion farther than the simple expression of such opinion) though it would greatly inflate the hopes and expectations of the

<sup>1</sup> This obviously should have been "3<sup>dly</sup>" instead of "2<sup>dly</sup>," but it was written thus in the manuscript volume.



Nicaraguans, and lead them to refuse accepting any reasonable mode of terminating their differences with respect to their territorial disputes, by compromise; would not in reality advance them one jot nearer their object, of obtaining any territory their rights to which is now disputed.

For all these reasons it appears that the simple affirmation on the part of the Government of the United States that it would do all in its power to settle in a friendly manner any differences Nicaragua may have with other States or people respecting its territory or boundaries, would not be exposed to the same objections & would nevertheless be just as serviceable to the Nicaraguans as the clause as it now stands.

Another question to consider in relation to the Nicaraguan treaty, arises from art. 35 Section 4<sup>1</sup> which decrees that the citizens of no other state shall enjoy the same privileges as the citizens of the United States, unless they made with Nicaragua treaties similar to that made by the United States.

Now if the United States makes a treaty with Nicaragua that Great Britain can fairly be asked to become a party to, there may be no objection to this provision, but if it suits the United States to make a treaty with Nicaragua containing political opinions which it is impossible for Great Britain consistently with her honor to concur in, and that under these circumstances the subjects of Great Britain are not to enjoy the same privileges as the citizens of the United States over that portion of the canal which lies within the controul of Nicaragua, it is perfectly clear that the spirit and intention of the treaty of the 19 April are altogether defeated.

The Mosquitos may then put forward the same pretensions with respect to the recognition of their authority over the portion of the canal which they claim as theirs, by the states enjoying the benefits of the same as the Nicaraguans put forward with respect to the recognition of their authority over the whole canal. The very question will be brought into agitation which it has been intended to set at rest, and neither Great Britain nor the United States could agree to guarantee and protect the whole of the canal over the whole of which neither would be able to claim the full benefits.

The meaning of the treaty of the 19<sup>th</sup> April is evident, viz; that Great Britain and the United States without going into any of the question of

<sup>1</sup> The following footnote, to which another footnote was subjoined, was cited at this point, the omissions indicated being in the file copy:

Section 4.—“None of the rights, privileges and immunities (\*) guarantied &c—to the United States and its citizens, shall accrue to any other nation or to its citizens, except said Nation shall first enter into the same treaty stipulations for &c. . . which have been entered into by the United States, in terms the same with those employed in section 2<sup>d</sup> of this article.”

(\*)—Section 1<sup>st</sup>. . . and it is further stipulated that the right of way or transit across the territories of Nicaragua by any route or upon any mode of communication at present existing or which hereafter may be constructed, shall at all times be open and free to the Gov<sup>t</sup> and citizens of the U. S. for all lawful purposes whatever; and no tolls, duties charges of any kind shall be imposed upon the transit in whole or part by such modes of communication &c &c . . .

disputed territory or other political matters agree to guarantee protection to a canal across the Central American States, each affording the same protection to the same if the advantages of transit thereupon are offered to their subjects or citizens upon "the same terms" or in other words upon the payment of the said tolls.

M<sup>r</sup> Clayton seeing the incompatibility of the passage in the treaty with Nicaragua to which I have been referring, with the treaty of the 19<sup>th</sup> April, since negotiated, suggested to substitute for the paragraph to which allusion has just been made, something like the following, viz; "and it is also agreed that all the rights, privileges and immunities with respect to the passage of ships, merchandise and passengers on the said canal, granted by the 1<sup>st</sup> section of the preceding article, to the United States and their citizens, shall be granted to Great Britain and her subjects, or to the subjects or citizens of any other nation which shall enter into such treaty stipulations for the defence and protection of the proposed interoceanic canal, as have been entered into between the United States and Great Britain.

This alteration may be worthy of consideration: and here concludes all notice, that seems necessary of the special treaty of M<sup>r</sup> Squiers; it may, however, be added that it seems, in some degree, questionable whether it is advisable for the Great powers to make any treaties at all with these small states in reference to railways or canals constructed through their country, and whether it would not be simpler and better to allow the companies constructing such canals or railways to make their own arrangements with the States through whose country the canals or railways may pass & that then the great powers willing to guarantee such enterprises and who approve of the terms on which they are undertaken and made open to their commerce, should guarantee the safety of the said canals or railways and protect the said companies in the rights which they may have acquired from the States making the concession of such rights to them.

But at all events it is desirable, if the guaranteeing powers make treaties themselves with the States by which the concessions in question are made that they should do so in such language and upon such conditions as all other Governments can be fairly called upon to adopt, so that the great routes of communication which it is the general object to establish should be guarded by the common sentiment and interest, and rescued from the insecurity and instability which would inevitably attend them if the arrangements made for their construction or protection bore evidence of the political bias and intention of any particular Government and thus became intermingled with the jealousies and ambitions of rival nations.

2928

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

Private.

WASHINGTON, *September 27, 1850.*

MY DEAR SIR: I informed you in our recent conversations on the subject, that Visc<sup>t</sup> Palmerston, in referring to his Dispatch of 28 May last,<sup>2</sup> of which I, in a private note of 16 August last<sup>3</sup> communicated to you the Contents, also informed me that the Envoy from Costa Rica, in London, has stated to him (Lord Palmerston) that he was directed by his Government to state to Her Majesty's Government, that Costa Rica was willing to submit the question of boundaries between herself and Nicaragua to the joint mediation or arbitration of Great Britain and the United States; and would also bind herself to abide by the decision which the two Governments might concur in giving, with respect to the question referred to, provided that the state of Nicaragua would place itself under a similar obligation.

Lord Palmerston has furthermore instructed me to submit the proposition of the Government of Costa Rica to the United States Government, and at the same time to ask you whether it would concur in the plan of arrangement proposed by the Envoy from Costa Rica; and if so whether it would undertake to propose it to the Government of Nicaragua.

As a verbal communication may not always leave behind it, a full impression of what passed, and especially when your mind must be so much occupied by many other important affairs, I have thought it better to repeat, in writing, all that I now state; and I likewise enclose for your perusal a copy of the letter addressed by M<sup>r</sup> Molina, the Envoy from Costa Rica, to Her Majesty's Secretary of State for Foreign Affairs.<sup>4</sup>

I would take this opportunity of again urging upon your consideration the propriety of obtaining from the state of Nicaragua full powers to arrange all its differences with respect to the Mosquitos and Costa Rica, through the friendly arbitration or mediation of Great Britain and the United States.

Yours [etc.].

<sup>1</sup> Notes from Great Britain, vol. 27. The receipt date was not indicated.

<sup>2</sup> Above, this part, p. 402, note 2.

<sup>3</sup> Above, this part, doc. 2921.

<sup>4</sup> The enclosed note, dated August 5, 1850, was the same, *mutatis mutandis*, as that sent by Molina to the United States Minister at London, Mr. Lawrence, on the same date. See it above, this part, first document in note 3, p. 404.

2929

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

Private.

WASHINGTON, September 30, 1850.

MY DEAR SIR: I enclose you, for your private information, the Copy of a dispatch, and of its inclosures, which I have received from Lord Palmerston.<sup>2</sup>

The M<sup>r</sup> Livingston in question, seems a most troublesome Gentleman, animated by the example of M<sup>r</sup> Squier, and determined to make a noise and pick a quarrel if he can. I think it would be well if you ordered him to be quiet whilst we are endeavouring to settle these troublesome questions.

You will see that he now styles himself "Consul of the United States to Nicaragua" in a spot which we have declared not be to a Nicaraguan possession.

This is doing his best to stir up an angry conflict on the very point with respect to which the two Governments are wishing to arrive at some amicable arrangement. I cannot think he has thus been acting in conformity with

<sup>1</sup> Notes from Great Britain, vol. 27. The receipt date was not indicated.

<sup>2</sup> The enclosed communication from the British Secretary of State for Foreign Affairs to Bulwer, dated September 11, 1850, and its enclosure (there was only one enclosure in the manuscript volume) follow:

*Lord Palmerston, British Secretary of State for Foreign Affairs, to Sir Henry Lytton Bulwer, British Minister to the United States*

LONDON, September 11, 1850.

SIR: I transmit to you herewith a copy of a letter from M<sup>r</sup> Livingston [Immediately below, in this footnote.—Ed.] who styles himself U. S. Consul at Leon, & also U. S. Consul for the Port of San Juan de Nicaragua, & who states that he writes that letter under the Instructions of his Gov<sup>t</sup> in order to protest against the Custom's Tariff lately established at the Port of Grey Town.

I have to instruct you to point out to the U. S. Secretary of State that such communications as the enclosed letter from M<sup>r</sup> Livingston seem more calculated to create & widen differences than to heal them.

I am [etc.].

*Joseph N. Livingston, United States Consul at León, to the Existing Authorities of the Port of San Juan de Nicaragua*

LEÓN DE NICARAGUA, April 26, 1850.

As Consul of the U. S. for the Port of San Juan de Nicaragua and under Instructions from my Gov<sup>t</sup>, I have to inform you that I have received a copy of a new Tariff established in the said Port, signed by M<sup>r</sup> J. M. Daly on Articles of Exportation which is contrary to the 4<sup>th</sup> Article of the Armistice of the 7<sup>th</sup> of March 1848, between the Gov<sup>t</sup> of Nicaragua & Capt. G. G. Loch of the British Navy, which Armistice has the effect of a Treaty.

And I do hereby protest & shall continue to protest against all such unjust & unlawful restrictions upon American Trade & Commerce.

And I have to inform you that I have notified all persons engaged in trade with the U. S. & all Captains & Supercargoes of American Vessels not to pay said impositions except under protest, & further to add that the Authorities of San Juan will be held responsible for all export duties collected on produce destined for the U. S.

I have [etc.].

any instructions he ever received; His conduct is certainly not in conformity with the apparent end and spirit of M<sup>r</sup> Clayton's conversations and negotiations with me.<sup>1</sup>

Yours [etc.].

2930

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States* <sup>2</sup>

BRITISH LEGATION, October 8, 1850.

SIR: On the 29<sup>th</sup> of April last I made a communication to Mr. Clayton <sup>3</sup> with respect to a Treaty which M<sup>r</sup> Clayton had been informed that the British Consul General at Guatemala had made with Costa Rica, for taking that Republic under British protection. This communication was made by me to M<sup>r</sup> Clayton under the following circumstances.

It had been stated by the two Governments of Great Britain and the United States in the month of November last,<sup>4</sup> that neither wished to obtain any increase of influence or dominion in Central America, and M<sup>r</sup> Clayton and myself were negotiating a Treaty between the two Governments on this basis. A Report however (originating, I believe, with M<sup>r</sup> Squier) arrived in this Country during the negotiation referred to, and in contravention of the principle just stated, to this effect, viz: that M<sup>r</sup> Chatfield had just made a Treaty with Costa Rica, and that such Treaty took that State under the protection of Great Britain <sup>5</sup>— M<sup>r</sup> Clayton therefore asked me very naturally, and in a perfectly friendly manner whether I believed that M<sup>r</sup> Chatfield had made such a Treaty as the one described; I stated that I did not; And I informed Her Majesty's Government of the nature of the inquiry that had been made of me, and of the answer which I had given to it.

Lord Palmerston answered my communication by approving of the answer to which I have alluded, and furthermore instructed me to inform the United States Government in reference to the particular subject that had been mooted between M<sup>r</sup> Clayton and myself; what the views of the British Government really were; which I did in my note of the 29<sup>th</sup> of April in the words of the Instruction I had received.

You will see by this statement that the inquiry of M<sup>r</sup> Clayton was conceived in the same spirit as the reply that was given to it; and that the

<sup>1</sup> Secretary Webster's answer to this note was not found, but on the back of this communication was the following notation in pencil, "Ans<sup>d</sup> by removing L."

<sup>2</sup> Notes from Great Britain, vol. 27. Received October 12.

<sup>3</sup> Above, this part, doc. 2909.

<sup>4</sup> He presumably refers to the correspondence between Lawrence, the United States minister at London, and Lord Palmerston, the British Secretary of State for Foreign Affairs, above, this part, *passim*.

<sup>5</sup> Squier's despatch No. 15, December 27, 1849, reported this information. See it above, vol. III, doc. 956.

object of the communications which passed between us was to destroy an erroneous impression, any misunderstanding concerning which, might have tended to defeat the general and amicable arrangement which we were then endeavouring to carry out with respect to the policy of Great Britain and the United States in Central America.

I need hardly say, Sir, that the information I gave your Predecessor was strictly correct, but since this fact has been publicly denied by your late Agent in Nicaragua, who on the contrary asserts and maintains that M<sup>r</sup> Chatfield did make a treaty with Costa Rica, taking that state under its protection, I hereby furnish you with a copy of the Treaty which M<sup>r</sup> Chatfield really made,<sup>1</sup> and which was approved of by Her Majesty's Government; and you will see therefrom that it is purely and simply an ordinary Treaty of Commerce such as Independent States make with each other, and does not contain one word relative to British protection, or that can be construed in any way into an engagement to extend such protection to Costa Rica.

I avail myself [etc.].

2931

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>2</sup>

BRITISH LEGATION, October 9, 1850.

SIR: I have had the honour of receiving your note of the 2<sup>nd</sup> Instant<sup>3</sup> together with its inclosures relative to a note of mine addressed to your Department on the 24<sup>th</sup> of March last,<sup>4</sup> stating that there had of late been some relaxation in the vigorous measures which had at one time been adopted by the United States Authorities in the Brazils, for the suppression of the Slave Trade.

From the inclosures referred to it would appear that the Minister of the United States at Rio felt aggrieved by the note from me to which I have alluded, and that Her Majesty's Minister at Rio Janeiro had declared that the statement made therein must have been founded upon an incorrect version of one of his despatches to Her Majesty's Secretary of State for Foreign Affairs.

Your own communication to me presumes that an error had arisen in copying this despatch either in the Legation at Rio or in the Foreign Office in London, but M<sup>r</sup> Tod seems to imply that I had myself been guilty of

<sup>1</sup> Not included in this publication. This treaty was signed on November 27, 1849, by Frederick Chatfield and Joaquín Bernardo Calvo, the British and Costa Rican negotiators respectively.

<sup>2</sup> Notes from Great Britain, vol. 27. Received October 12.

<sup>3</sup> Above, this volume, pt. 1, doc. 2713. The enclosures with it are not included in this publication, since their contents are sufficiently indicated below in this note.

<sup>4</sup> Above, this part, doc. 2902.

some misstatement, for he says that he doubts not but<sup>1</sup> "that the Secretary of State of the Foreign Department in this Country will rejoice at his having triumphantly repelled the charge preferred by me (Sir H. Bulwer) against the Officers and Agents of the United States Government at Rio, and adds a request that I should be informed of the injustice I had done him.

It is a matter of great pain to me that M<sup>r</sup> Tod's feelings should have been unnecessarily wounded. I have to beg that you will convey to M<sup>r</sup> Tod the expression of this sentiment on my part, but I request you also to have the kindness to assure him that the communication I made to your Department was in precise conformity with the text and meaning of the communications forwarded to this Legation, and which created in my own mind the impression they had already produced on that of Her Majesty's Government; Hence the instructions which I was fulfilling in that Correspondence with your Predecessor, to which we are now referring.

I have no doubt however that the case is as you surmise; and I am very glad to read the honorable testimony which M<sup>r</sup> Hudson bears to M<sup>r</sup> Tod's conduct.

I avail myself [etc.].

2932

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>2</sup>

Private.

BRITISH LEGATION, October 9, 1850.

MY DEAR SIR: As the Atlantic and Pacific Canal Company anticipated some difficulties with respect to the admission free of Port charges of their vessels &° at Grey Town, I wrote privately on this subject to Lord Palmerston who has informed me in reply that it is the opinion of Her Majesty's Government that all vessels or goods connected with the Nicaraguan Canal Company going up the River San Juan should be admitted free of duty.

I avail myself [etc.].

2933

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>3</sup>

NEW YORK, October 14, 1850.

SIR: It was sometime since agreed between us that the three Governments of the United States, France and Great Britain, should unite in their endeavours to procure a cessation of hostilities between the Governments of

<sup>1</sup> The close of this quotation was not indicated.

<sup>2</sup> Notes from Great Britain, vol. 27. Received October 12.

<sup>3</sup> *Ibid.* Received October 26.

Hayti and St Domingo through the representation of their several Agents in that part of the world;<sup>1</sup> and I recently had the honor of informing you<sup>2</sup> that as soon as I saw M<sup>r</sup> de Bois le Comte and came to an understanding with him as to the instructions he had received from his Government, I should propose for your consideration some plan for arriving at this result.

It appeared to me at that time that it would be sufficient for the three Governments simply to urge upon the Government of Hayti the advisability of adopting a truce of ten years, if it could not be prevailed upon to consent to the establishment of peace upon more permanent foundations: and I imagined that such advice given conjointly by the three Governments of the United States, France and Great Britain, would at once have been attended to.

By information which I have received since the period to which I refer, it would appear that the Government of Hayti has already rejected the counsels I then suggested, and having this morning had an interview with M. de Bois le Comte, I am now able to make to you the inclosed proposal,<sup>3</sup> which is in conformity with instructions which reached me from Her Majesty's Government by the last packet, and similar to one which Her Majesty's Ambassador at Paris has been instructed to make to the Government of France.

I avail myself [etc.].

The Undersigned has the honor to propose, as a means of stopping the barbarous war which now threatens the Island divided under the Governments of Hayti and St Domingo that the Consuls of the United States, France and Great Britain in that Island should be instructed to demand jointly from the Emperor of Hayti a formal agreement to a Truce of Ten Years; and that the Emperor should be informed that if he does not consent to this, the three powers will oppose by force any renewal of hostilities on his part against the Dominicans. The Undersigned has the honor to add that it appears to Viscount Palmerston that a Truce of such a duration would practically have the same effect as a definitive Peace, while it would not involve that formal acknowledgement of the independence of the Dominican Republic, which it seems that the Emperor Soulouque is so unwilling to consent to.

<sup>1</sup> For the correspondence on this subject between them, see above, this volume, pt. 1, and this part, *passim*.

<sup>2</sup> Apparently oral.

<sup>3</sup> It immediately follows at the close of this note.



2934

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 80

LONDON, October 15, 1850.

SIR: I have the honor to enclose an original note received yesterday from M. Marcoleta, the Minister of the Republic of Nicaragua, and a copy of my reply.<sup>2</sup>

<sup>1</sup> Despatches, Great Britain, vol. 61. Received October 28.

The brief omitted portion of this despatch acknowledges the receipt of an instruction which was not pertinent to this publication.

<sup>2</sup> These two notes, dated October 13 and 15, 1850, translated from the French, follow:

*José de Marcoleta, Nicaraguan Chargé d'Affaires at London, to Abbott Lawrence, United States Minister to Great Britain*

[TRANSLATION]

Very private.

LONDON, October 13, 1850.

MONSIEUR LE MINISTRE: The Legation of Nicaragua has just been positively informed, that Her Britannic Majesty's Government has proposed to that of the United States of North America, as a means of settling the question of San Juan de Nicaragua, the cession of that port to the State of Costa Rica.

As the tendency of this proposition is to deprive the government of Nicaragua of its lawful rights over that portion of its territory,—rights, which the mere fact of British occupation could not have destroyed,—and as this arrangement, more over, would of itself be contrary to the interests, not only of Nicaragua, but to those even of the Canal company, and as it would amount to an occupation, or a continuance of the occupation under a different aspect, the undersigned begs now to declare, in the most positive and solemn manner, that his government, so far from being able or desiring to accept this proposition as the basis of a settlement, sees nothing in it, on the contrary, but a denial of justice in regard to its rights, and the foundation of fresh difficulties and further complications.

The Government of Nicaragua could not, therefore, give its consent to any measure based upon this principle, nor willingly surrender, as the consequence of yielding such consent, rights which it has never ceased to maintain since the 1<sup>st</sup> of October 1848,—the date of the occupation of San Juan by the British forces, in the name of the pretended chief of Mosquitoes.

Consequently, the undersigned begs that His Excellency, the Minister of the United States of North America, will be pleased to forward the above declaration to his government, and he avails himself [etc.].

*Abbott Lawrence, United States Minister to Great Britain, to José de Marcoleta, Nicaraguan Chargé d'Affaires at London*

[TRANSLATION]

LONDON, October 15, 1850.

The Undersigned, Minister of the United States of North America, presents his compliments to Mr Marcoleta, Minister of Nicaragua, and has the honor to inform him, that his official letter of the 13<sup>th</sup> inst [Above, in this footnote.—Ed.], has been received.

The Undersigned will have the honor of transmitting a copy of the aforesaid letter to his government, and begs that M. Marcoleta [etc.].

2935

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 84

LONDON, October 24, 1850.

I have also the honor to acknowledge the receipt of your N<sup>o</sup> 38<sup>2</sup> in reply to my despatch N<sup>o</sup> 71,<sup>3</sup> and to return my thanks for the prompt attention. Touching the Central American negotiations, I have conveyed to the Minister of Costa Rica the views of the President, first, verbally, and then by a letter of which I enclose a copy.<sup>4</sup> I am happy to know that the President is fully impressed with the expediency of entering into a treaty of amity, commerce and navigation with that Republic. The Minister of Nicaragua is not at present in town. As soon as he returns, I shall send him the Copy of the proposed Treaty with Belgium, enclosed to me.<sup>5</sup> I hope some feasible mode may be devised for adjusting the boundaries of Costa Rica and Nicaragua, and allaying the jealousies existing between the people of those states. I have supposed that they could probably be induced to submit to the arbitration you speak of, and to abide by the result.<sup>6</sup>

2936

[November 8, 1850.]

[N. B.—The following communication from Lord Palmerston to Sir Henry L. Bulwer was received at the Department on November 8, 1850. It is presumed that it was personally delivered by the British Minister to the Secretary of State, since no covering note was found with it in the manuscript volume:]

<sup>1</sup> Despatches, Great Britain, vol. 61. Received November 9.

The omitted portion at the beginning of the despatch concerns a North American project.

<sup>2</sup> Above, this volume, pt. 1, October 3, 1850, doc. 2714.

<sup>3</sup> Above, this part, August 16, 1850, doc. 2922.

<sup>4</sup> Lawrence's note to the Costa Rican Minister, dated October 22, 1850, follows:

*Abbott Lawrence, United States Minister to Great Britain, to Felipe Molina, Costa Rican Minister to Great Britain*

LONDON, October 22, 1850.

SIR: I have the honor to acquaint you that I have received intelligence from my Government that it perceives objections against negotiating a Treaty with The Republic of Costa Rica in London: but that the subject will receive due consideration at no distant day, as the President is fully impressed with the expediency of entering into such a Treaty.

Accept [etc.].

<sup>5</sup> This treaty between Great Britain and Nicaragua is not included in this publication.

<sup>6</sup> The portion omitted here relates to the sale of spirituous liquors and other matters not pertinent to this publication.

*Lord Palmerston, British Secretary of State for Foreign Affairs, to Henry Lytton Bulwer, British Minister to the United States*<sup>1</sup>

No. 138

FOREIGN OFFICE, October 25, 1850.

SIR: I transmit herewith Copies of a Letter and of its Enclosures which I have received from the Admiralty<sup>2</sup> stating that an Agent of the United States Ship Canal Company has been exciting the Nicaraguans and his own Countrymen to take Possession of Grey Town, and that Commodore Bennett has considered it necessary to send Her Majesty's Ship "Indefatigable" to protect Grey Town against this threatened Attack.

I have to instruct you to represent to Mr Webster how much it would be to be lamented if any conflict should take place in regard to matters which the Two Governments are preparing to settle amicably and satisfactorily.

I am with great truth and regard [etc.].

2937

[November 25, 1850.]

[N. B.—The date of receipt at the Department of the following communication from Lord Palmerston to Sir Henry L. Bulwer, is not indicated in the manuscript volume, and since no covering note from the British Minister to the Secretary of State was found, it is presumed that it was personally delivered by the British Minister on or about November 25, 1850, which would allow about two weeks for its receipt at the legation:]

*Lord Palmerston, British Secretary of State for Foreign Affairs, to Henry Lytton Bulwer, British Minister to the United States*<sup>3</sup>

No. 147

FOREIGN OFFICE, November 8, 1850.

SIR: I transmit herewith, for your information, a Copy of a Letter which I have received from Monsieur Molina, the Minister from Costa Rica at this Court,<sup>4</sup> on the subject of the Territorial Questions pending between

<sup>1</sup> Notes from Great Britain, vol. 27. Received November 8.

<sup>2</sup> Not included in this publication.

<sup>3</sup> Notes from Great Britain, vol. 27.

<sup>4</sup> This note, dated October 23, 1850, follows:

*Felipe Molina, Costa Rican Minister to Great Britain, to Lord Palmerston, British Secretary of State for Foreign Affairs*

LONDON, October 23, 1850.

MY LORD: In conformity with Y. L.'s advice, not to publish any protest on behalf of Costa Rica, in regard to the proceeding of the Atlantic & Pacific Junction Company formed in New York, under the auspices of the State of Nicaragua, I have abstained from shewing that opposition which it was my duty to offer, in my official capacity against the execution of any schemes detrimental to the legitimate rights of my country; &, although acquainted since the first moment with the arrival in this city of certain commissioners of that Company, I have silently watched their proceedings & maintained an attitude altogether passive.

Footnote 4, page 424—*Continued*

And, indeed, I should not have been justified in pursuing a different course, for my Gov<sup>t</sup> has instructed me to conform my proceedings to Y. L.'s superior judgement, & Y. L. had the goodness to write to me under date 18<sup>th</sup> Sept: "that you were in communication with the Gov<sup>t</sup> of the U. States, on the subject of the arrangement to be made between the Gov<sup>t</sup> of Costa Rica, & the other Central American Gov<sup>ts</sup> respecting the questions alluded to, in my letter of the 5<sup>th</sup> August" [Same, *mutatis mutandis*, as Molina's note to Lawrence of this date, above, this part, p. 404, note 3.—Ed.] that is to say: the territorial difference of the former with the State of Nicaragua backed by the States of Salvador and Honduras.

Relying on this assurance & fully convinced of the interest which H. M.'s Cabinet deign to take in the existence & prosperity of Costa Rica, I intended not to molest Y. L. again on the subject, until compelled to do so by some pressing emergency.

I have been expecting that this wished for opportunity would hourly occur, by the ultimate adoption in Costa Rica of the contract for the opening of an interoceanic Ship Canal which I concluded here in London on the 11<sup>th</sup> July 1849 with Messrs G. Fyler & J. Carmichael & of which cognizance was given to Y. L. at the time. That contract was approved with some modification by the Congress of Costa Rica on the 16<sup>th</sup> Nov<sup>r</sup> of the same year; & having in consequence been remodelled in this city by mutual agreement with said Parties, on the 16<sup>th</sup> March last, it was again sent to Costa Rica for its final ratification; from where, contrary to my expectations, it has not as yet been received back, owing to the recess of the Legislature.

This delay, if, on the one hand it is deeply to be deplored, as it deprives Costa Rica of the glory & benefits which she might have reaped had she taken the lead in this mighty enterprize, with the aid of British Capital & British Energy, on the other hand, has the advantage of maintaining a larger scope open for compromise & negotiations, as long as there do not exist conflicting individual interests on the field represented by rival companies.

Meanwhile, I have read with surprise in the "Times" of the 15<sup>th</sup> 16<sup>th</sup> & 17<sup>th</sup> inst. that the American Company has commenced operations in this Metropolis, & it is even insinuated that it has obtained the sanction of H. M.'s Gov<sup>t</sup>, giving the public to understand that all the political difficulties are already arranged.

I am conversant enough with the devices of journalism in affairs of this nature not to attach too much importance to such reports. But I cannot allow them to pass unnoticed, nor undervalue a matter which portends more for the future should no one interpose for Costa Rica.

I beg, therefore, My Lord, to call your attention to this state of things; taking at the same time, this opportunity to comment on the inaccur[ac]y of the representations of Mr. Squiers, the late American Chargé d'Affaires in Nicaragua, who, in his letter to the committee on Foreign Relations of the Senate of the U. States, which has appeared in the New York Herald, endeavours to convey the idea that the claims of my country never extended to a point beyond 10 leagues distance from the harbour of San Juan.

Y. L. is aware that this is not the case; & that Costa Rica has always asserted in all her constitutions, & public acts, her right to the whole of the lands bounded by the Southern Bank of the River San Juan, & by the Shores of the Lake of Nicaragua; from the Atlantic to a point on the same Lake opposite the entrance of the river La Flos [*sic*] on the Pacific. And it is my duty to inform Y. L. that it can be proved, with documents recently drawn from the archives of Spain, now in my Possession which I would be happy to show to Y. L. that the ancient limit of Costa Rica, (irrespective of the annexation of the Nicoya or Guanacosta district, which took place shortly after the independence, & stretched our dominions to the Lake) was & has for ever been the river San Juan or Desaguadero on the Atlantic Ocean; according to the Royal Charter of the Colony.

If, up to the present moment, & out of regard for the friendship of Great Britain, Costa Rica has refrained from making any representation in respect to the occupation by the Mosquito Authorities of the Southern Side of the harbour of Grey Town; it is not to be inferred that we are disposed to have the same forbearance with Nicaragua; or with the parties holding grants from that State; unless some appropriate compensation is secured to us.

Costa Rica might, perhaps, be persuaded to make great sacrifices of positive rights & probable prospects for the sake of a settlement with Nicaragua; provided this State does consent to the recognition of our line of frontiers, as above described, & provided our right to the free transit through Grey Town, & the free navigation of the river & of the lake be likewise acknowledged & guaranteed in perpetuity. Finally those grants, un-

Costa Rica and Nicaragua, with reference to the Proceedings of the Atlantic and Pacific Junction Company formed at New York.

I am [etc.].

2938

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

Private.

WASHINGTON, December 21, 1850.

MY DEAR SIR: I transmit to you herewith a copy of the letter which I shall write to M<sup>r</sup> Ussher, Her Majesty's Consul at Port au Prince,<sup>2</sup> and

duly made by the Gov<sup>t</sup> of Nicaragua to the New York Comp<sup>y</sup>, should be declared null & void, as far as concerns the lands on the Southern bank of the San Juan, which are belonging to Costa Rica.

I have been encouraged to submit to Y. L. the foregoing observations by the perusal of a Convention lately concluded at Washington. By Art. IV of that Treaty, the Contracting Powers, G<sup>t</sup> Britain & the U. S., have engaged "to consider the right or jurisdiction possessed or claimed by any of the bordering States or Gov<sup>ts</sup> over the territories which the Canal shall traverse, & which shall be near to the waters applicable thereto. They agree, moreover, "to procure the establishment of two free Ports, one at each end of the said Canal." By Art. VI, the Contracting Powers stipulate to employ their good offices in order to settle any differences which might arise as to right or property over the said territories through which the said Canal shall pass between the States or Gov<sup>ts</sup> of Central America." [See Clayton-Bulwer Treaty in Malloy, *Treaties, Conventions, etc., between the United States and Other Powers*, vol. 1, p. 659. The first and last of the extracts quoted, from which full quote marks are missing, appear to accord in substance but not in exact form to the treaty.—Ed.]

The philanthropic and equitable intentions of the British & American Gov<sup>ts</sup> would certainly be frustrated & the stipulations of the Treaty become a dead letter, were the New York Comp<sup>y</sup> to be allowed to carry on their enterprise before the differences now existing between Costa Rica & Nicaragua shall have been satisfactorily arranged; setting thus at defiance the fundamental laws which regulate the intercourse among civilized nations, & the avowed wishes of the Great Maritime Powers.

My object, therefore, in addressing the present communication to Y. L. is to invoke again the consideration of H M's Council to the claims of Costa Rica, & to request the honour of an interview, at your best convenience, for the purpose of laying before Y. L. those documents I have spoken of & other information which may be beneficial in the course of negotiations with the U. States, & with the Central American Govts.

In conclusion, I beg to add that if, as it has been surmised in the transatlantic Press, any change of the actual order of things at Grey Town, should be in contemplation, I hope Y. L. will insist on the transfer of that harbour to Costa Rica, taking into consideration the advantages this country would offer on account of its intimate connexion with G<sup>t</sup> Britain in preference to its being ceded or given in charge to any other Gov<sup>t</sup>, & that, in the remote supposition of the return of said Port to the possession of Nicaragua, I trust Y. L. will stipulate all the necessary conditions for the safe guard of Costa Rica. I have [etc.].

<sup>1</sup> Notes from Great Britain, vol. 27. The receipt date was not indicated.

<sup>2</sup> This communication, dated merely "December 1850," follows:

*Sir Henry Lytton Bulwer, British Minister to the United States, to J. N. Ussher, British Consul at Port au Prince*

WASHINGTON, December, 1850.

SIR: On receiving this despatch you will confer with the Consul and Chargé d'Affaires of France, who will receive one of similar purport at the same time from the Minister of the French Republic at this place, and you will also put yourself in communication with

Footnote 2, page 426—*Continued*

the *Chargé d'Affaires* of the United States, who will be by that time appointed to the Government of St Domingo, but who, as the United States does not send any formal Agent to Hayti, will act with you in the matter, and be furnished with Instructions from the United States Secretary of State, expressing views entirely analogous with those of the Governments of Great Britain and France, and orders to carry out those views conjointly with you in the most effective manner that the forms of the United States Government in this stage of the affair will admit of.

It is not necessary for me to inform you that the views to which I allude are comprised in the desire to stop the effusion of blood which is being uselessly spilt in barbarous hostilities between the two races which inhabit the Island in which your Post is situated,—hostilities abhorrent to humanity, destructive to commerce, and threatening, by the possibility of jealousies or differences arising out of the intervention or supposed desire of intervention of one or other of the great Powers interested in this question, to disturb the general good understanding which at present prevails between all such Powers and Great Britain.

The object to attain consequently is either a settled peace upon a fair and durable basis, or a lengthened truce upon reasonable conditions.

Whichever of these is most feasible you may consider the best; I do not therefore enter into any discussion as to their relative merits.

It would be also difficult for me to point out to you who are so much better acquainted with the position of the contending parties than I can be, what would be the basis of a fair & durable peace, or the reasonable conditions of a lengthened truce. Your own judgment and that of your colleagues will supply this deficiency.

But if I cannot enter in detail into the particulars of the conduct which it is desirable that you should pursue, I can sketch out for you a general plan which I will divide into three parts or stages.

First—You should insist upon an immediate cessation of hostilities, if hostilities are now going on, or you should demand, if hostilities are not now actually taking place, that they should not at all events be commenced until a certain limited period, which you in conjunction with your colleagues can determine, as the one at which you will be able to make some definite proposals either for a prolonged truce or durable peace.

Should the Emperor Soulouque refuse his consent to this reasonable request, he will be acting in a manner highly injurious to his own interests, and those of his subjects, and as the effects of his conduct will probably extend beyond his own dominions and affect other Powers, you will not fail to state to him that the Governments of such Powers will deem that they have by their previous warning and counsel, placed themselves in a position which justifies them to take at once and even without further notice, any steps which they may consider it either for the interest of their own people, or according to their general duty towards humanity to adopt.

2<sup>ndly</sup>.—Should The Emperor Soulouque agree to stop hostilities or not to commence war until some fair plan for a truce or peace is proposed to him, you will then conjointly with your colleagues draw out such a plan for a truce or a peace as seems to you most consistent with the circumstances of the case, and most likely to be acceptable to the two adverse parties—I need hardly observe to you that this plan should not in propriety or justice have a favourable bias either to Haiti on the one side or St Domingo on the other. You should indeed dismiss from your mind, as I am sure your colleagues will from theirs, any predilections in favour of colour or race, or the spot at which you or they reside. You will only look at the relative position of the two belligerents, their means of defence or attack; the peculiar nature of the cause which excites each to arms; and the points on which each can make concessions with the least disadvantage to themselves, or obtain advantages with the least injury to the opposite party.

When great and civilized nations interfere to regulate the affairs or quarrels of smaller or less civilized ones, their justification must be founded on the beneficent policy which directs, and the strict impartiality which limits their line of conduct.

As Her Majesty's Government is guided by these principles it will be necessary that Her Majesty's Agent in Santo Domingo (to whom you can communicate this despatch) should make the Dominicans, as well as that you should make the Haytians sensible that their conduct must be moderate and reasonable, and Sir Robert Schomburgk, and his French and American colleagues will have to prevent the Dominicans from imagining that we blindly espouse any pretensions they may put forward, though we interpose between them, and the barbarous warfare of their enemies.

Thirdly—Having formed some plan which appears to you fair and equitable as the foundation of a long truce or permanent peace, you will urge the adoption of one of these

Footnote 2, page 426—*Continued*

two alternatives upon the Haytian Government. You will do this conjointly with your colleagues with all the force in your power; and the strictest care should be taken in this and all your other proceedings to prevent not merely all differences with your colleagues, but even the appearance of such differences, so that no person within the Governments of Haiti or St. Domingo should imagine that there is an English policy, or an American policy, or a French policy to be pursued in this matter, but that all should recognize that it is merely a general policy consistent with the general interests of commerce & humanity, which the three Governments unanimously adopt, and expect their respective Agents impartially to carry out.

Should the Government of Haiti persist in refusing the mediation which with a studied attention to the equity of its terms you and your colleagues (for thus far you can all act in complete accordance) shall have offered, you will then in conjunction with your colleague of France, and as far as his Instructions will permit, with your American Colleague menace the Emperor of Hayti with the determination of your Government or Governments to have the terms which you have suggested adopted in the main; or at all events not to allow the war between Hayti and St. Domingo to recommence or continue until other terms shall have been substituted by the mediating Powers in lieu thereof.

The menaces to which I have alluded you will make in language more or less distinct according to circumstances, and I deem it expedient that you should be guided in this matter by your knowledge of an important fact, viz: that the measures of coercion which Her Majesty's Government and that of France would be willing to adopt are at present confined to a blockade of the Ports of Haiti, such as Port au Prince, Jaemel, Aux Cayes, Gonaives &c.

If you deem then that a blockade would be sufficient if declared and put into execution by Great Britain and France, to compel the Government of Hayti to submit to the wishes which you will have expressed towards it, you may if the danger of war appears to be proximate or imminent menace compulsion with the conviction that adequate measures of coercion will be adopted. But if on the contrary you deem that a blockade would not be sufficient to obtain the required object, you will take care to make any menace of force in such vague terms as would not actually compromise Her Majesty's Government to employ force, until it should have learnt from you what species of force would be necessary, in order to arrive at the result which you deem that a blockade would not be sufficient to obtain.

Indeed it would always be better rather to state that you are authorised to menace force in the presumed contingency than actually to employ that menace unless the necessity for so doing appears to you urgent, and the benefit to result from it almost certain.

In these Instructions are conveyed, as clearly as I can express them my views as to your conduct to which I understand from H M Gov<sup>t</sup> that you are ordered to pay due attention. I would not however have you consider them obligatory upon you as to any particular point in which owing to the circumstances in which you are placed they are in direct opposition to your own opinion.

On the contrary I would in such case have you simply bear in mind the general spirit of the communication I now make to you, & act thereupon in all details to the best of your judgment upon your own responsibility; But at all events you will not fail to give me the earliest notice of the receipt of this despatch, of the position in which it finds yourself & the affairs of the Island in which you are exercising your functions.

You will likewise not fail to notice to me any difference which occurs or seems to you likely to occur, between yourself & your colleagues, or any incident which induces you to believe that one or the other is not disposed to act fairly and straightforwardly in furtherance of the fair, straightforward and humane object which H. M. Gov<sup>t</sup> has in view, & which it sincerely believes that the Gov<sup>ts</sup> of the two allies of H. M. have also in view, & are determined fairly & straightforwardly to carry out.

As H. M. Gov<sup>t</sup> seems to have made this Post the directing centre of the policy to be pursued with regard to Hayti & St. Domingo, it would be well that you should bear this in mind, & communicate whenever you can directly to this place, from which I shall always send you at once such Instructions as according to my opinion fall within my competency, referring, when circumstances seem to render such reference necessary, to H M Gov<sup>t</sup> for further orders.

I have [etc.].

P. S. I have not alluded to one state of things, because it has not been suggested to me, & it does not seem likely to occur, but nevertheless as it possibly may do so, I will now notice it.

also a copy of the letter which Monsieur Bois le Comte would address to you<sup>1</sup> if in this manner we satisfy the request which you submitted to us as to what would be the instructions given to the Consul of Her Majesty and the Consul of France at Hayti, to the end that your own to the American Chargé d'Affaires at S<sup>t</sup> Domingo might correspond therewith; and I should be glad to hear from you as to your views thereupon, and as to your own instructions to the United States Agent above referred to.

I remain [etc.].

## 2939

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>2</sup>

BRITISH LEGATION, December 31, 1850.

SIR: Information having lately reached Her Majesty's Government that the American colors are still displayed upon Tigre Island, I have been instructed to communicate this Report to you, and to say that Her Majesty's Government entertain no doubt that this is owing to some misconception of the intentions of the United States Government, which it will cause to be removed. I may add that I received repeated assurances from M<sup>r</sup> Clayton that the Island in question should not be ceded to the United States, or taken under the protection of the United States; indeed that such a thing was out of the question after the Treaty of 19<sup>th</sup> of April. I have no doubt therefore that you will be good enough to take an early opportunity of attending to the request which I am now instructed to make to you.

I avail myself [etc.].

## 2940

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>3</sup>

BRITISH LEGATION, December 31, 1850.

SIR: With reference to the conversation I had with you at Boston on the subject of the limits to be agreed upon by Great Britain and the United

I allude to the chance of some plan for a peace or truce which seems fair & equitable to you & your colleagues, & is also acceptable to the Gov<sup>t</sup> of Hayti being deemed unacceptable to the Gov<sup>t</sup> of S<sup>t</sup> Domingo.

In such case all it appears to me that you will have to request the Haytian Gov<sup>t</sup> to accede to, is a suspension of hostilities for a sufficient time to allow of your communicating this unforeseen result to H. M.'s Gov<sup>t</sup>, & receiving therefrom new Instructions.

<sup>1</sup> No copy of it accompanied this note, but see above, Boislecomte's note to Webster, dated December 21, 1850, vol. vi, doc. 2618.

<sup>2</sup> Notes from Great Britain, vol. 27. Received January 3.

<sup>3</sup> *Ibid.* Received January 8.



States, within which vessels traversing the Ship Canal between the Atlantic and Pacific Oceans are to enjoy exemption from blockade, detention or capture, I now do myself the honour to recall to your recollection that I have been informed by Her Majesty's Government that it considers that a segment of a Circle of twenty five Nautical miles Radius drawn to seaward from each end of the Canal as from a centre should be the limits within which vessels should enjoy the exemption in question.

I avail myself [etc.].

2941

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

BRITISH LEGATION, January 4, 1851.

SIR: I beg to inform you that I have received information from Her Majesty's Acting Consul General in Mosquito that on the 31<sup>st</sup> of December last the Mosquito Government would cease to levy duties at Grey Town on vessels or goods belonging to British Subjects, American Citizens, and the Citizens of the States of Nicaragua and Costa Rica.

I avail myself [etc.].

2942

*Henry Lytton Bulwer, British Minister to the United States, presumably to William S. Derrick, Acting Secretary of State of the United States*<sup>2</sup>

BRITISH LEGATION, January 23, 1851.

MY DEAR SIR: M<sup>r</sup> Webster promised to let me have a copy of the Instructions he had given to M<sup>r</sup> Walsh on his departure for Haiti;<sup>3</sup> and M<sup>r</sup> Walsh told me that a copy had been made for me. Will you have the goodness to send me by the bearer the copy in question—If you could let me have a duplicate copy of the above Instructions I should be much obliged. I am [etc.].

<sup>1</sup> Notes From Great Britain, vol. 27. Received January 7.

<sup>2</sup> *Ibid.*

There was no indication on this note to whom it was addressed. Then, too, neither the receipt date nor the exact date when this note was written was indicated in the usual places for such on this document, but a memorandum on the back, evidently made in the Department, gave the date as "23<sup>d</sup> Jany 1851." The badly written abbreviation for the month was evidently mistaken for June (from its form it might easily be), since the note was filed in the month of June.

any Webster's note to Bulwer referring to the same subject note and written a few days earlier, above, this volume, pt. I, January 14, 1851, doc. 2716.

<sup>3</sup> Presumably a copy of the first of the three instructions to Walsh, dated January 18, 1851, above, vol. VI, doc. 2195, was sent to Bulwer.

## 2943

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

No. 98

LONDON, February 6, 1851.

SIR: M<sup>r</sup> Molina, the Minister at this Court of the Republic of Costa Rica, and M<sup>r</sup> Marcoleta, the Minister of the Republic of Nicaragua, are about to proceed to Washington, each having been accredited also to our Government, and will doubtless lay before you their disputes and grievances, for the settlement of which it is to be hoped that some plan be devised.

M<sup>r</sup> Molina called upon me not long since, to tell me that his Government had granted to British subjects residing in this Country, a charter for a Canal across the Isthmus; which charter he had in his possession and would retain if I would give him a written guarantee that my Government would see that Costa Rica had her rights:—otherwise it would be given to the grantees. I declined, saying that I had no instructions to commit the Government of The United States, and that I certainly would not commit myself in the matter. I further told him that I had last year suggested to Lord Palmerston in a note the expediency, (other difficulties being arranged) of determining the boundary disputes of these Republics through the joint arbitration of Great Britain and The United States. (For this suggestion I refer you to my Note to Lord Palmerston of Dec. 14, 1849,<sup>2</sup> Enclosed in my N<sup>o</sup> 20.)<sup>3</sup> M<sup>r</sup> Molina informed me that Lord Palmerston had said he would instruct Sir Henry Bulwer on the subject:—whereupon I called on Lord Palmerston, who told me he had already instructed Sir Henry to call upon you, and say that Her Majesty's Government desire to see all questions in dispute in Central America settled, that commerce may be extended, and peace maintained among the people of these Republics.

It is of great importance to us that the Inter-Oceanic Canal should be constructed:—and to that end it is essential that peace should exist between the Central American Republics—especially between Nicaragua and Costa Rica. I have no doubt the advice of yourself and Sir Henry Bulwer will have great weight with both these Republics, and perhaps induce them to settle without farther interference. It will afford me the greatest satisfaction to know that every obstacle tending to prevent the construction of the Canal has been overcome.

My views as to the rights of these various parties and of the Mosquito Indians are contained in my N<sup>o</sup> 44.<sup>4</sup>

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 61. Received February 21.

<sup>2</sup> Above, this part, doc. 2887.

<sup>3</sup> His No. 20, December 28, 1849, is above, this part, doc. 2888.

<sup>4</sup> Above, this part, April 19, 1850, doc. 2907.

2944

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

Private.

WASHINGTON, March 10, 1851.

MY DEAR SIR: Knowing the good faith with which your Government would desire to repress any aggression proceeding from this Country against the territory of a friendly power, I feel confident that I shall be doing what is agreeable to you as well as what accords with my own duty & Instructions in laying before you some information which I have received.

I have reason then to believe that General Lopez acting in concert with certain parties in Cuba, has for some time past meditated another desperate enterprise against that Island; and that if he cannot mature a more promising scheme of invasion, he intends proceeding with but a very few followers, partly Americans, within a month or two from this time to attempt a landing and thereby affect a rising in the Island in question.

I learn that a schooner engaged with this view is now waiting his orders in the Gulf of Florida; but if my information be correct, General Lopez, before resorting to this last chance, is endeavouring to organise a plan of a much more extensive and formidable kind.

I understand that about a thousand young men are now engaged and waiting in the States of South Carolina, Georgia, and Alabama, ready to proceed to carry out this plan if the resources which General Lopez expects are placed at his disposal. I hear also that the use of two Steamers is in part contracted for; as well as the purchase of arms and munitions of war of all descriptions, together with ten light pieces of Artillery. This first force of a thousand men is to be followed by one of two thousand more, a portion of whom have been enrolled in Texas. The Steamers would probably proceed to some part of Mexico, or island adjacent thereto, & thence make for the Northwest Coast of the Island of Cuba, whence the invaders can easily, if necessary, gain the mountains.

A sum of money I am told has already been raised, or promised to be forthcoming in the Southern States of this Union, provided twenty thousand dollars be subscribed by the Cubans themselves.

For this sum General Lopez, if the details furnished to me are correct, is now waiting.

I avail myself [etc.].

<sup>1</sup> Notes from Great Britain, vol. 28. Received March 12.

2945

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

Private.

WASHINGTON, April 8, 1851.

MY DEAR SIR: In reply to your note of 13<sup>th</sup> ult<sup>o</sup>,<sup>2</sup> requesting me to give you any farther information I might obtain with respect to another proposed invasion of Cuba, I think it right to inform you that though I am still awaiting such information as I have applied for from Her Majesty's Consuls in the different localities to which my attention was directed, I have not been able to obtain from the parties who furnished me with the details which I communicated to you in my note of 10<sup>th</sup> of March,<sup>3</sup> any farther information, except that such an expedition *is really* intended. Believe me [etc.].

2946

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>4</sup>

Private.

BRITISH LEGATION, April 22, 1851.

MY DEAR SIR: I beg to inclose some additional information which I have received relative to the supposed invasion of Cuba.<sup>5</sup>

I am [etc.].

<sup>1</sup> Notes from Great Britain, vol. 28. Received April 12.<sup>2</sup> Above, this volume, pt. I, doc. 2717.<sup>3</sup> Above, this part, doc. 2944.<sup>4</sup> Notes from Great Britain, vol. 28. Received April 24.<sup>5</sup> The following two unsigned enclosures, both dated April 12, 1851, accompanied this note:

SAVANNAH, April 12, 1851.

I have been informed that Fifty men arrived last night by Railroad at the Station twenty miles from Savannah, and another Company also enlisted in Tennessee for the expedition to Cuba was expected to night—A considerable quantity of arms had been sent from the State Arsenal in this city to Atlanta, (supposed through the connivance of Governor Towns) which arms had been recently returned to this city and are now lying at the Railroad Depot.

General Lopez has not yet arrived, but is daily expected—He has been on a visit to General Quitman [Quitman?], & it was generally believed that Mirabeau B. Lamar, formerly President of Texas, & now a resident of this State, was to be Commander in Chief of the expedition.

The place of rendezvous is not yet known but I should think some point on the Florida Coast would be selected, as it would be impossible to embark an expedition with secrecy from this Port.

CHARLESTON, April 12, 1851.

An expedition has certainly been organised, or sought to be organised by Mirabeau Lamar, & General Gonzales in Georgia & Tennessee, where General Gonzales has been personally very busy.

It is reported that portions of the force raised marched towards various points of embarkation, & that one party are within 30 miles of Savannah. Darien—St. Mary's, St. Marks, & Apalachicola w<sup>d</sup> appear the most probable points in addition to Texas, for this purpose.

P. S. April 23. Since writing the above I have received a telegraphic communication from New Orleans informing me that General Lopez had left that place for Texas.

2947

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

Private.

WASHINGTON, May 22, 1851.

MY DEAR SIR: I think it as well to send you privately the inclosed letter which I have just received from M<sup>r</sup> Chatfield,<sup>2</sup> as shewing the general

<sup>1</sup> Notes from Great Britain, vol. 28. Received May 26.

<sup>2</sup> This communication from the British diplomatic representative in Central America, dated March 28, 1851, and its enclosure, a clipping from a San Salvadoran newspaper, follow:

*Frederick Chatfield, British Chargé d'Affaires in Central America, to Sir Henry Lytton Bulwer, British Minister to the United States*

Private.

GUATEMALA, March 28, 1851.

MY DEAR SIR: Your letter of December, without further date, reached me yesterday, and I lose no time in saying that I perfectly concur in your views, as to the proper course which the Agents of England and the United States in this country should pursue in their mutual intercourse; and I may add, that the interpretation which I put on the Washington Treaty of the 19<sup>th</sup> of April 1850—has received the approval of Her Majesty's Government, so that the statements on the subject, which have been volunteered by a portion of the United States Press, at my expence, are inventions—

For upwards of twelve years, I have been subjected to every species of misrepresentation in the Prints of some of these states, and in several of those of New York, but I consider that no better mode of justifying my conduct could have been devised, than that of calumniating me, in the same breath, with Lord Palmerston, the Washington Cabinet and yourself—

In my letter to Lord Palmerston of the 5<sup>th</sup> of March last, which went under flying seal to you, I explained in a few words, how studiously I have endeavoured to be upon friendly terms with the United States Agents here, and I am sure M<sup>r</sup> Hise would do me justice in this respect, though from inexperience in public affairs, he viewed my civilities with suspicion, supposing that I had some scheme to answer in serving him, as I certainly did, on several occasions—

As to M<sup>r</sup> Squier, on coming to this country he found himself in a new position, and suddenly raised into importance by circumstances altogether unexpected by him, and he hoped to build an enduring fame, by using a line of policy, which any one acquainted with Central America might have seen, would not bear the test of a trial—

Many of his statements, as published by Congress, are fictions, and destroy his claim to honesty and fair dealing, without the necessity of adverting to his attacks upon his chief M<sup>r</sup> Webster, whose reputation as an upright Statesman is too well established to be affected by the malignity of M<sup>r</sup> Squier—

Although I had the advantage many years ago, of being introduced to M<sup>r</sup> Webster, in the States, still I regret that the disparity of our positions does not warrant me in expressing an opinion to him, as to the sort of Person suited to the service of the United States in this country—

I would have told him, that we do not want a man, who is disposed to transform a civility or a casual remark into a plot against the interests of North America, and to fancy that none but himself will shun deceit and double dealing.

He should believe, that the interests of England and the United States in Central America are not incompatible with each other, and that the policy of both, in the behalf of humanity and civilization, is to prevent the continuance of the objectless wars which distract the country—

By ensuring Peace and Order to Central America, England would receive a double demand for the supply of the necessities required by the community; and the United

tendency of his views with respect to the policy of Central America, and to the difficulties to which he is exposed in his own personal position.

I shall be much obliged to you to return me his letter at your leisure.

Yours [etc.].

2948

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

BRITISH LEGATION, June 22, 1851.

SIR: Her Majesty's Government having been informed of the determination of the Haytian Government not to conclude either a permanent peace or enter into a truce with the Dominican Republic, and of the proposition of the Haytian Government that the matters in dispute between Haiti and the Dominicans should be arranged by Deputies to be appointed by each party, and that the decision adopted by them should be guaranteed

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States would equally profit by an increase of the agricultural products of Guatemala and Salvador for exportation to California—

Although we do not seek territory in Central America as some persons assert we do, still I see no necessity for giving way to the clamour of parties, who would hustle us from the position we fairly hold, to occupy it themselves—a position which no one, I think, can justly interfere with—This opinion is assumed by the States of Nicaragua, Honduras and Salvador to be a ground of grievance, though in reality the unfriendliness they profess to England, arises from the manner in which, as a publick servant, I have consistently opposed the revolutionary efforts of the demagogues; to whom disorder and misrule are conditions of existence, to the cost of the Capital and Trade of Great Britain, which are largely embarked in this country—

I am [etc.].

P. S. I have received the Papers, & shall be obliged by those moved for by M<sup>r</sup> Shields in the Senate, on C. A. affairs.—over leaf you will see a neat specimen of the abuse I have to endure occasionally, from the Press of the States [Below, in this footnote.—Ed.].

F. C.

*From the "Progreso" Newspaper of San Salvador, May, 1850*

[TRANSLATION]

A cruel lesson, given by repeated blows and outrages on the part of the same English agents who exerted themselves to divide the nation, has reestablished political good sense in the States (of Central America) and has made the majority of the Republic feel the necessity of either uniting itself or disappearing. England has hastened to bring about the demonstration of this necessity, by having recourse to the most unworthy violence and the most atrocious rapacity and piracy. Such is its hatred, such is the conduct and future which that Cabinet is preparing for our weak republican sections, which retains amongst us that monster clothed with the English Agency.—All publick evils have their end. The plague of the smallpox passed away; cholera, civil war, bloody revolutions, tyranny, barbarism a Malesqin, a Carrillo all pass away, and a Carrera will also pass away. But there is a horrible an interminable evil; an execration always alive which corrodes like gangrene the heart of Central America, and this is Chatfield; the everlasting agent of England who has gathered over the head of his Government the curses of our country, and those of all Central American generations. He has placed the seal of treason and infamy on the forehead of every man who holds the slightest intercourse, or feels sympathy with him or his. He destroyed our nationality, and he is about to raise it up again by dint of crimes iniquity and with American hate.

Notes from Great Britain, vol. 28. The receipt date was not indicated.

by the Three Powers;<sup>1</sup> I am now instructed by Her Majesty's Government to suggest to the United States Government that the Emperor Soulouque should be invited to enter into an engagement with the three Powers not to resume hostilities against the Dominicans without giving the Three Powers twelve months notice of his intentions while in the mean time negotiations might go on between the Dominicans and the Haytians, and I shall feel obliged by an early intimation of the views of the United States Government on this subject.

I avail myself [etc.].

2949

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>2</sup>

BRITISH LEGATION, June 22, 1851.

SIR: With reference to my note of this day's date<sup>3</sup> respecting the rejection of the proposals of Peace made to the Haytian Government by the Agents of Great Britain, France, and the United States at Port au Prince, I have the honour to inform you that Her Majesty's Government have proposed to the French Government that if the Emperor Soulouque should resume hostile operations against the Dominican Republic, the Naval Commanders of Great Britain, France, and the United States should blockade all the principal Ports of Hayti, and should prevent the passages by sea of Haytian troops, ships of war or military supplies.

To the above proposal the Government of France has assented. The Commander in Chief of Her Majesty's Naval Forces in the West Indies has been directed to carry into effect such measures of coercion as may be determined upon by the Agents of the Mediating Powers at Port au Prince.

The above measures being in entire concordance with the tenour of the communications which have already passed between the United States Government and Her Majesty's Legation on this subject,<sup>4</sup> I am now instructed to propose to the United States Government that their Agent in Hayti and their Naval Commander in the West Indies should cooperate in the execution of the measures which the Government of Great Britain and France have thus agreed to adopt in case the Emperor Soulouque should meditate an attack upon the Dominicans.

I avail myself [etc.].

<sup>1</sup> See above, vol. VI, p. 107, note 3, the answer of the Haitian Minister of Foreign Affairs, dated April 19, 1851, to the proposals of peace made by the representatives of Great Britain, France, and the United States in their joint note, dated February 11, 1851, which is also in the same part, p. 96, note 2.

<sup>2</sup> Notes from Great Britain, vol. 28. The receipt date was not indicated.

<sup>3</sup> Above, this part, doc. 2948.

<sup>4</sup> See above, this part and pt. I, *passim*.

2950

*Henry Lytton Bulwer, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, July 30, 1851.

SIR: The Reports which are current here, render it probable that new attempts may be made by a portion of the citizens of the United States to engage without the sanction of their Government in acts of aggression against the authority of the Queen of Spain in Cuba. I am so thoroughly acquainted with the proper sense of international relations which guides the conduct of the President of the United States and his Cabinet that I know it is superfluous to express to you the expectation which I entertain that no effort will be spared by the U. S. Government to check the people of this country from waging an illegitimate war on their own account against a State with which this Government as well as my own, is on terms of the most friendly relations; I shall therefore simply express to you my entire confidence in the promptitude and earnestness with which you will take such steps as may most effectually prevent all armed interference in the internal affairs of a portion of Her Catholic Majesty's dominions.

I avail myself [etc.].

2951

*John F. Crampton, British Chargé d'Affaires ad interim at Washington, to William Hunter, Acting Secretary of State of the United States*<sup>2</sup>

BRITISH LEGATION, August 21, 1851.

SIR: I have the honour of calling the attention of the Government of the United States to the joint Note (of which a copy is inclosed) addressed on the 24<sup>th</sup> ult<sup>o</sup> by Her Majesty's Consul and the Consul of France at Port au Prince to the Haytian Government,<sup>3</sup> inviting the Emperor not to resume

<sup>1</sup> Notes from Great Britain, vol. 28. Received August 3.    <sup>2</sup> *Ibid.* Received August 25.

<sup>3</sup> It follows:

*John N. Ussher, British Consul, and E. Wirt, French Vice Consul at Port au Prince, to L. Dufresne, Minister of Foreign Affairs of Haiti*

[TRANSLATION]

PORT AU PRINCE, July 24, 1851.

The Undersigned Agents of Great Britain and France today address themselves to the Minister of Foreign Affairs of the Empire of Haiti to point out to him that his letter of the 14th of this month [Not found.—Ed.] completely relieved their fears in regard to the mediation.

In fact, this letter sets forth that "the pacific intentions of the Emperor and his address of May 14 last, by which he grants a truce to the inhabitants of the East for the whole duration of the negotiations which he proposed to them for the purpose of arriving at a reconciliation and a definitive peace with them, are positive guaranties that he is not planning any aggression against that part of the Empire's territory."

But the Undersigned have since learned that the Dominicans are determined to deal with His Majesty only through the intermediary of the agents of the Mediating Powers;



hostilities against the Dominicans without giving twelve months notice of his intention to the mediating Powers, and stating that any aggressive act against the Dominicans will be followed by the immediate blockade of the Ports of Hayti by the combined naval forces of Great Britain and France, and by such other measures as events may render necessary.

The considerations by which the British and French Consuls have been actuated in making this communication to the Haytian Gov<sup>t</sup> are therein stated—viz; the uncertainty felt as to whether the Emperor, on learning that the Dominicans had determined not to treat with him otherwise than through the Agents of the Mediating Powers, might not consider himself released from his late promise to maintain a truce with the Republic until his differences with them should be adjusted by a direct negotiation.

Although the naval forces of the United States are, I am aware, at present precluded from taking part in measures of actual coercion against Hayti, I would nevertheless take the liberty of suggesting that, in the event of it's being unfortunately found necessary by the French and English naval forces to have recourse to such measures, orders may be given to the commanders of such of the vessels of war of the United States as may be sent to Hayti, to act in all respects, short of such measures of coercion, in concert with the French and English forces, thus affording to the Haytian Government a convincing proof of the entire identity of the views of the three Mediating Powers in their intervention in the affairs of the Island.

I avail myself [etc.].

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and they have reason to apprehend that the Emperor may consider himself thenceforth released from maintaining the truce.

Their respective Governments have considered the note of April 19 [Above, vol. vi, p. 107, note 3.—Ed.] expressing His Imperial Majesty's desire to deal directly with the Dominicans, and as the sole purpose of their intervention is to put an end to a war disastrous for both countries, they have recently, without concerning themselves with the form which the negotiations may assume, transmitted instructions to the Undersigned urging His Majesty not to resume hostilities without having notified the Mediating Powers twelve months in advance.

The Undersigned would be greatly gratified if the Emperor would be so good as to enter into such an agreement.

However, in their present uncertainty as to the intentions and the course of His Imperial Majesty, they would consider that they had failed in their duty if they hesitated any longer in declaring to him that the inevitable consequence of any hostile demonstration or aggressive action against the Dominicans would be the immediate Blockade of all the ports of the Empire, without prejudice to later and unforeseen measures which the course of events might necessitate. Hoping that His Majesty will still continue in the pacific way which the Empire has adopted, and that in its wisdom it will understand how the Undersigned would be grieved to proceed to the rigorous execution of their Governments' orders, they beg the Minister to accept [etc.].

2952

*John Chandler B. Davis, United States Chargé d'Affaires ad interim at London,  
to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

LONDON, September 19, 1851.

SIR: M<sup>r</sup> Lawrence left London for Ireland on Thursday of last week. He instructed me if any thing of importance should occur during his absence, to communicate it to you.

There has been much gossip in the diplomatic circles on the subject of Cuba, which has been increased by announcements from day to day of the progress of negotiations going on at Paris and at Madrid. The French Gov't seems to be anxious to commit this Gov't to the same course which is said to have been adopted by itself. At the time when M<sup>r</sup> Lawrence left, the French Ambassador and the Spanish Minister were visiting Lord Palmerston at Broadlands, his seat in Hampshire; and it was generally understood in London that the Cuban question was one of the subjects under consideration. The Spanish Minister returned to town in the early part of this week: but the French Ambassador is yet at Broadlands. I have not been able to hear from there since yesterday morning. I learn from a source I credit that up to that time the position of affairs was this— The French Ambassador had endeavored to induce this Government to consent that orders should be sent to the English fleet in the West Indies to join with the French and Spanish squadrons in intercepting all persons sailing to the relief of Lopez, or the aid of the revolutionists. I understand that Lord Palmerston had not consented to issue such orders, but, on the other hand, had not refused: and that Sir Henry Bulwer had been sent for, and that he went to Broadlands yesterday morning to give his advice on the subject. I probably shall not be able to give you any later intelligence, as the gentleman to whom I am indebted for the foregoing will not return to town before the closing of the bag.

It may not be uninteresting to you to know the tone of the press.

<sup>1</sup> Despatches, Great Britain, vol. 62. Received October 4.

John Chandler Bancroft Davis, of New York, the writer of this despatch, was commissioned secretary of legation at London on June 7, 1849, and acted as chargé d'affaires *ad interim* from August 31 to October 10, 1849, from September 11 to October 22, 1851, and from January 16 to February 18, 1852. He resigned on November 30, 1852. On March 25, 1869, he was appointed assistant secretary of state. On January 4, 1870, he was named to proceed for the President as arbitrator between Great Britain and Portugal, respecting the island of Bulama. When the British American Joint High Commission met at Washington, on February 14, 1871, to arrange a settlement of the dispute arising out of the depredations on the Alabama and other cruisers during the Civil War, he was directed to act as secretary on the part of the United States. After the signing of the Treaty of Washington, on May 8, 1871, he was appointed, on June 29, 1871, American agent before the tribunal of arbitration at Geneva. On November 13, 1871, he resigned his position as assistant secretary of state, but was recommissioned on January 24, 1873. He resigned in July, 1874, to become envoy extraordinary and minister plenipotentiary to Germany, having been appointed to that post on June 11, 1874. He presented his credentials, August 28, 1874, and took leave on September 26, 1877. On December 19, 1881, at President Arthur's request, he accepted an assignment as assistant secretary of state on special duty, and retired on July 7, 1882.

First in importance is the official "*Morning Post*", which has been silent during the whole week. It threw out last week a feeler, substantially recommending non-interference for the present; and since has said nothing.

The "*Globe*", also understood to represent the views of the Foreign Office, has been equally silent, except that, on the 17<sup>th</sup> it called attention to and endorsed a long article of M. Chevalier in the "*Débats*" of the 14<sup>th</sup>. This latter article limited itself to an attempted explanation of the causes which produced the Cuban invasion, without recommending a course to the European Powers.

The "*Standard*" of the 15<sup>th</sup> republishes the leader from the "*National Intelligencer*" of the 26<sup>th</sup> August, remarking that the article "would not discredit the genius of the most eloquent of living statesmen, while undoubtedly the principles which it inculcates are such as must reflect honor on the writer, from whom they proceed."

The "*Morning Herald*" of the 18<sup>th</sup>, (representing the same interest as the "*Standard*"), congratulates its readers that the French, Spanish, and English Governments are about to make joint representations to the Government of the United States on the subject of Cuba. The question, (it says) is important to England as she has colonies in the West Indies, and to France, as she has rights of fishing &c., and it would not answer for either that "the star-spangled banner should float not-merely on the shores of the Pacific between Oregon and Mexico, but at San Francisco, at Mazatlan, at the Havannah, &c". It says that Gen. Aupick and Lord Howden are fully instructed on the subject, and intimates that they ought to exact privileges favorable to their respective Countries as the reward of their interference. It says the Ministry of Bravo Murillo is weak, and that Marvaez is in Paris, ready to return at a moment's notice—that England and France have a right to insist on their own terms for the proposed service—and that, if they guarantee to Spain the possession of the Island, they should look after the interests of the Spanish bondholders.

The "*Daily News*" has been silent.

The "*Morning Chronicle*" of the 16<sup>th</sup> dwells upon the difficulties of the question, calls Lopez and the man who went with him, on the one hand, buccaniers, and on the other condemns the action of the Cuban authorities, and counsels non-interference for the present.

The "*Times*" of the 16<sup>th</sup> speaks of the importance of an observance of the Law of Nations by every civilized community—says of the Cuban expedition that "they who thus levy war are pirates, are without the pale of law, and are deemed the enemies, not merely of the Country they unjustly attack, but of the whole civilized World"—and calls upon the Government of the United States "henceforth to exercise with proper energy the power which the law gives them to put down every attempt to renew such an outrage on the comity of Nations".

The same journal this morning returns to the subject in an article which I enclose in full.<sup>1</sup>

Should there by chance be any further intelligence before the mail leaves, I shall add it in a postscript.

I have the honor [etc.].

2953

*John Chandler B. Davis, United States Chargé d'Affaires ad interim at London, to Daniel Webster, Secretary of State of the United States*<sup>2</sup>

No. 11

LONDON, September 26, 1851.

SIR: I endeavored last week to make you acquainted with the verbal negotiations going on at Broadlands with reference to Cuba.<sup>3</sup> M<sup>r</sup> Lawrence being still absent in Ireland, it is my duty to inform you that my information failed at the point where it was left in that Despatch, and I am obliged to rely upon rumor for the result. Sir Henry Bulwer went to Broadlands, as I wrote you, and stayed there until Saturday, when both he and the French Ambassador returned to London. I can *positively* say—only—that Lord Palmerston was before Sir Henry's visit averse to such an interference in Cuban affairs as the French desired. Rumor adds that that averseness was not removed by Sir Henry's presence. The determination he came to, whatever it may have been, did not come to the knowledge of the person from whom I received the intelligence I sent you last week.

I enclose a copy of an article from the "Examiner" of last Saturday, and of one from the "Globe" of Monday the 22<sup>d</sup>.<sup>4</sup>

I have the honor [etc.].

2954

*Memorandum of an interview between John F. Crampton, British Chargé d'Affaires ad interim at Washington, and John J. Crittenden, Acting Secretary of State of the United States*<sup>5</sup>

WASHINGTON, September 27, 1851.

M<sup>r</sup> Crampton at an interview with M<sup>r</sup> Crittenden at the Department of State, on the 27<sup>th</sup> of September 1851, stated that he had been directed by Her Majesty's Government to say to the United States Secretary of State that Her Majesty's Government had learned with great regret that expeditions have again been prepared in the Ports of the United States for an attack upon a Territory belonging to a Sovereign at peace with the United States and in freindly relations with Her Majesty.

<sup>1</sup> Not included in this publication.

<sup>2</sup> Despatches, Great Britain, vol. 62. Received October 13.

<sup>3</sup> See above, this part, September 19, 1851, doc. 2952.

<sup>4</sup> Neither is included in this publication.

<sup>5</sup> Notes from Great Britain, vol. 28.

Her Majesty's Government do not doubt that the Government of the United States will use all possible diligence to prevent and punish proceedings which are in violation both of the laws of the United States, and of the law of Nations; and Her Majesty's Government are persuaded that such measures, if taken in time, will accomplish their object.

But Her Majesty's Government deem it due to the frankness which ought to characterize the intercourse between the two Governments, to state to that of the United States, that Her Majesty's Ships of War on the West Indian Station, will have orders to prevent by force any adventurers of any nation from landing with hostile intent upon the Island of Cuba.

2955

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

No. 139

LONDON, November 7, 1851.

SIR: Having heard unofficially that a correspondence has taken place between the Department of State and the British Chargé d'Affaires at Washington, upon the subject of the Lopez Cuban expedition,<sup>2</sup> and perceiving that the French and English intervention in that matter has been made the subject of a paragraph in the Message of the French President, I deem it my duty to acquaint you with such intelligence as has come to me with reference to it.

The paragraph I allude to is the following.

[TRANSLATION]

We have promptly seized the opportunity to give Spain a proof of the sincerity of our relations, by uniting with England in offering the Madrid Government the assistance of our naval forces, in order to repel the bold expedition against the island of Cuba. Moreover, our Minister at Washington has been charged to lend his friendly support to the claims of the Court of Madrid, the justice of which claims has been loyally recognized by the federal government.

You were advised by Mr Davis in my absence, in a despatch dated Sept. 19<sup>th</sup><sup>3</sup> of a meeting between the French Ambassador, the Spanish Minister, and Lord Palmerston at Broadlands. I have good reason to believe that a proposition was made by those Representatives to Lord Palmerston to unite, on behalf of the British Government with the French Cabinet in guaranteeing the Island of Cuba to Spain, and that Lord Palmerston declined the proposal. The Spanish Minister then returned to London, and Sir Henry Bulwer was sent for to be consulted. The result of the consultation was that

<sup>1</sup> Despatches, Great Britain, vol. 62. Received November 21.

<sup>2</sup> Above, this volume, pt. 1, and this part, *passim*.

<sup>3</sup> Above, this part, doc. 2952.

the proposal was again declined. I also learn that instructions were sent to M<sup>r</sup> Crampton to acquaint the Government of the United States that a British force would be sent near the Island of Cuba, for the purpose of protecting the Island against the expedition of General Lopez—but that it was expected M<sup>r</sup> Crampton would consult or seek a friendly interview with the Government of the United States, before addressing a note to the Secretary of State.<sup>1</sup>

The declaration of the French President has caused some feeling here, and there appears to be a doubt whether facts will sustain him in the bold language he uses. I have reason to believe that M<sup>r</sup> Crampton will be instructed to explain to you the contents of his note, and the true position which Great Britain occupies towards France and Spain on the subject.

I cannot vouch for the absolute truth of all I have written, as I have neither seen Lord Palmerston, nor received any communication from Washington. But these things come to me from various sources, in some of which I repose great confidence.

I have the honor [etc.].

## 2956

*John F. Crampton, British Chargé d'Affaires ad interim at Washington, to Daniel Webster, Secretary of State of the United States*<sup>2</sup>

WASHINGTON, November 12, 1851.

SIR: With reference to our conversation on the 10<sup>th</sup> instant, and in compliance with your desire, I have the honour to enclose a copy of the Dispatch addressed to me by Lord Palmerton,<sup>3</sup> which I then read to you, upon the subject of the orders issued to Her Majesty's Ships of War, on the West Indian Station respecting unauthorized expeditions against the island of Cuba.

I avail myself [etc.].

<sup>1</sup> See the memorandum of an interview between Crampton and Acting Secretary of State Crittenden, on this subject, September 27, 1851, above, this part, doc. 2954.

<sup>2</sup> Notes from Great Britain, vol. 28. Received November 13.

<sup>3</sup> This note from the British Secretary of State for Foreign Affairs follows:

*Lord Palmerston, British Secretary of State for Foreign Affairs, to John F. Crampton, British Minister to the United States*

No. 16

LONDON, October 22, 1851.

SIR: I have received your Dispatch N<sup>o</sup> 29 of the 6<sup>th</sup> instant; and I have to acquaint you that Her Majesty's Government approve the course pursued by you, in communicating to the Government of the United States the orders issued by Her Majesty's Government to the Commander in chief of Her Majesty's Ships in the West Indies, respecting the prevention of lawless expeditions against Cuba.

If you should have any further conversation with the Secretary of State of the United States on this subject, you may assure him that every care will be taken that in executing these preventive measures against the expeditions of persons whom the United States Government itself has denounced as not being entitled to the Protection of any Government, no interference shall take place with the lawful commerce of any nation.

I am [etc.].

2957

*John F. Crampton, British Chargé d'Affaires ad interim at Washington, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, November 25, 1851.

SIR: With reference to my note of the 21<sup>st</sup> of August last,<sup>2</sup> in which I had the honour of communicating to your Department the copy of a joint note which had been addressed on the 24<sup>th</sup> of July last to the Haytian Government by Her Majesty's Consul and the Consul of France at Port au Prince,<sup>3</sup> inviting the Emperor not to recommence hostilities against the Dominicans without giving twelve months notice of his intention, and stating that any aggressive acts against the Dominicans would be followed by the immediate Blockade of the Ports of Hayti by the combined naval forces of Great Britain and France;—I have now the honour of enclosing a copy of the answer which has been returned by the Haytian Government,<sup>4</sup> to that communication.

I avail myself [etc.].

2958

*Abbott Lawrence, United States Minister to Great Britain, to Lord Palmerston, British Secretary of State for Foreign Affairs*<sup>5</sup>

LONDON, December 19, 1851.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, is directed by the President of the United States<sup>6</sup> to call the attention of Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, to an outrage committed on the United States steam ship "Prometheus" belonging to the American Atlantic and Pacific Ship Canal Company, by the British Brig of War "Express" at San Juan del Norte in November last.

It appears that the "Prometheus" was under weigh at San Juan, with about five hundred passengers for the purpose of making a voyage to New York, when the city authorities of San Juan boarded her with a police force, and served a process of attachment on the ship and captain for One Hundred and Twenty three Dollars claimed by those authorities as Port Dues, which the captain refused to pay. Thereupon the "Express" immediately got under weigh, made sail for the steamer, and when within a quarter of a mile

<sup>1</sup> Notes from Great Britain, vol. 28. Received November 25.

<sup>2</sup> Above, this part, doc. 2951.

<sup>3</sup> Above, this part, p. 437, note 3.

<sup>4</sup> This communication, dated October 16, 1851, also accompanied Elliot's No. 38, dated January 10, 1852, and is above, vol. vi, p. 114, note 5.

<sup>5</sup> Despatches, Great Britain, vol. 63; enclosure with Lawrence to the Secretary of State, No. 149, December 19, 1851, below, this part, doc. 2959.

<sup>6</sup> See the Secretary of State's instruction No. 64 to him, December 3, 1851, above, this volume, pt. I, doc. 2724.

of her fired a round shot over her fore-castle, and a few minutes afterwards another shot over her stern, which passed so near that its force was distinctly felt by several persons on board. The captain of the steamer then sent a boat on board the Brig to enquire the cause of the firing. The Commander of the Brig replied that it was to protect the authorities of Greytown in their demands, and that if the steamer did not immediately anchor he would fire a bomb-shell into her; and he ordered his guns to be loaded with grape and canister. The steamer then proceeded to the anchorage and anchored. The Brig anchored very near her, and sent a boat on board with orders that the fires should be extinguished, and to say that an officer would be sent to see that this was done. The authorities then came on board, the amount demanded was paid under protest, and the steamer was permitted to proceed to sea. It further appears that the captain of the "Express" acted under the authority and by order of a Mr Greene, who claims to be the British Consul at San Juan.

The Government of the United States has learned of these proceedings with deep surprize and regret. It cannot consent to the collection of Port charges at San Juan by British ships of War, or that their collection should be enforced by them. The President, immediately on receiving intelligence of these events, gave orders for the despatch of an armed vessel to San Juan. He has also caused the Undersigned to be instructed to enquire of Viscount Palmerston whether the Captain of the "Express" acted pursuant to orders from Her Majesty's Government, and whether his course is approved?

The Undersigned is also directed to state that if these questions shall be answered in the affirmative, the President will consider the proceedings as a violation of the Treaty of the 19<sup>th</sup> of April 1850, by which Great Britain has stipulated not to make use of any protection which she may afford Nicaragua, the Mosquito coast, or any part of Central America, for the purpose of assuming or exercising dominion over the same.

The Undersigned avails himself [etc.].

2959

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 149

LONDON, December 19, 1851.

Your Despatch, N° 64,<sup>2</sup> relative to the outrage on the "Prometheus" reached me yesterday evening. In compliance with your instructions I have

<sup>1</sup> Despatches, Great Britain, vol. 63. Received January 3.

The omitted portion relates to claims

<sup>2</sup> Above, this volume, pt. 1, December 3, 1851, doc. 2724.



this morning addressed a note to Lord Palmerston on this subject, of which I enclose a copy.<sup>1</sup>

I cannot refrain from expressing the pleasure with which I have witnessed the prompt and energetic course of the President in this matter; and I hope it will bring about a speedy adjustment of affairs in Central America. Such an adjustment is growing every day more and more important.

I have the honor [etc.].

2960

*Lord Granville, British Secretary of State for Foreign Affairs, to Abbott Lawrence, United States Minister to Great Britain*<sup>2</sup>

FOREIGN OFFICE, December 30, 1851.

The Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the Note which M<sup>r</sup> Lawrence, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, addressed to Viscount Palmerston on the 19<sup>th</sup> instant,<sup>3</sup> complaining of the proceedings of the Captain of Her Majesty's Brig of War "Express" on the occasion of the Captain of the American Atlantic and Pacific Ship Canal Company's vessel "Prometheus" refusing to pay certain Harbour Dues at the port of Greytown, Mosquito.

The Undersigned begs, in reply, to state that, in conformity with the advice which Her Majesty's Government gave to the Government of Mosquito, when the Treaty of Washington of the 19<sup>th</sup> of April 1850 was concluded between Great Britain and the United States, the Mosquito Government decided that the vessels and goods of all nations should, without distinction, be, from the 1<sup>st</sup> of January 1851., exempt from the payment of all duties whatever at the port of Grey Town. But the Town Council of the place, in order to raise a small revenue to provide for some few unavoidable expenses, resolved at one of their meetings that certain Taxes and Dues should be levied to supply, in some measure, the place of the revenue which would have been obtained if the Customs' Tariff had not been abolished.

This Council, which is composed of two Englishmen, two citizens of the United States, a Frenchman and a native of Grey Town, a highly intelligent merchant, accordingly passed a Resolution by which certain small Harbour Dues, amounting on the whole to about Eleven Dollars on each vessel, were imposed on Shipping frequenting the port of Grey Town.

M<sup>r</sup> Lawrence will see, therefore, that the above mentioned Harbour Dues were not imposed by the advice of Her Majesty's Gov<sup>t</sup>.

With regard to the enforcement of those Dues, the Undersigned begs to

<sup>1</sup> Above, this part, doc. 2958.

<sup>2</sup> Despatches, Great Britain, vol. 63; enclosure with Lawrence to the Secretary of State, No. 152, January 2, 1851 [1852], below, this part, doc. 2961.

<sup>3</sup> Above, this part, doc. 2958.

assure M<sup>r</sup> Lawrence that the Captain of the "Express" did not act on the occasion in question in consequence of any orders from Her Majesty's Gov<sup>t</sup>, and, as far as Her Majesty's Gov<sup>t</sup> are at present informed, no Report upon the Subject having yet been received from Grey Town, the Captain of the "Express" appears to have exceeded his proper authority. Her Majesty's Government, however, may expect very shortly to receive direct from the Officer concerned accounts of the transaction which forms the Subject of M<sup>r</sup> Lawrence's Note; and M<sup>r</sup> Lawrence shall thereupon receive a further communication. M<sup>r</sup> Lawrence may in the meanwhile rest assured that it is far from the intention of Her Majesty's Gov<sup>t</sup> to authorize any proceeding at variance with the stipulations of the Treaty of Washington of the 19<sup>th</sup> April 1850; and that they most deeply regret any transaction which can be considered as an affront offered by any British Officer or Authority to the United States' Flag.

The Undersigned [etc.].

2961

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

No. 152

LONDON, January 2, 1851 [1852].

SIR: Since I had the honor to address you on the 26<sup>th</sup> of December last,<sup>2</sup> I have received a reply from Lord Granville to my note of the 19<sup>th</sup> December,<sup>3</sup> upon the subject of the Firing of the British Brig of War "Express" upon the American Steam Ship "Prometheus."

To this reply, after a personal interview with one of the Ministers, I today addressed an answer, stating my regret that H. M. Government were not in a position to give an unreserved disavowal, which has drawn from Lord Granville the assurance that if the facts are found, on the Official Reports of the British Officers, to be such as stated in my note, the British Gov<sup>t</sup> will express their disapproval of the whole matter. I enclose copies of this correspondence.<sup>4</sup> I believe that every satisfaction will be given by this Government, when the Official accounts of the transaction shall have been received.

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 63. Received January 21.

The year in the date line of this despatch was, no doubt, inadvertently written 1851, instead of 1852.

<sup>2</sup> Not included in this publication. It discusses the retirement of Lord Palmerston.

<sup>3</sup> For Lawrence's note, dated December 19th, and for the reply of the British Secretary of State for Foreign Affairs of the 30th, see above, this part, docs. 2958 and 2960.

<sup>4</sup> Not included in this publication, since this correspondence is adequately reviewed above in this despatch.

2962

*Lord Granville, British Secretary of State for Foreign Affairs, to Abbott Lawrence, United States Minister to Great Britain*<sup>1</sup>

FOREIGN OFFICE, *January 10, 1852.*

The Undersigned, Her Britannic Majesty's Secretary of State for Foreign Affairs, has the honor to acquaint M<sup>r</sup> Abbott Lawrence, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, that Her Majesty's Government have just received from the Vice-Admiral commanding Her Majesty's Naval Forces in the West Indies a Report upon the subject of the "Prometheus," which is to the following effect:—that on arriving at St. Thomas' the Admiral received a Despatch from the Commander of Her Majesty's Sloop "Express" stating that on the requisition of M<sup>r</sup> James Green, Her Majesty's Consul at Grey Town, who is also Principal Officer of the Mosquito Government at that place, he had by force compelled the American Steam Ship "Prometheus" to pay the Port Dues demanded of her by the authorities of Grey Town.

To this Despatch Vice Admiral Sir George Seymour had immediately replied by saying that neither he, nor, to his Knowledge, Her Majesty's Consul had received any orders to allow Her Majesty's ships to be employed in such a service or in enforcing the fiscal Regulations of Mosquito; the sole object of the presence of British ships of war at Grey Town being to defend the Town and inhabitants from aggressive attempts to deprive the Mosquito Government of possession, pending a settlement by negotiation of the question relative to its future position. Sir George Seymour had further expressly forbidden the Commander of the "Express" from again employing force to compel the levy of Duties for the Mosquito Government.

The Undersigned has now to state to M<sup>r</sup> Abbott Lawrence, for the information of his Government, that Her Majesty's Government fully approve of the Vice Admiral's conduct in this matter; and that they entirely disavow the act of violence committed by the Commander of the "Express" and also the Requisition from Her Majesty's Consul under which the Commander acted, so far as he acted by any authority derived from the British Crown.

Under these circumstances Her Majesty's Government have no hesitation in offering an ample apology for that which they consider to have been an infraction of Treaty engagements; and Her Majesty's Government do so, without loss of time, and immediately upon the receipt of the official intelligence above alluded to, inasmuch as in their opinion it would be unworthy of the Government of a great nation to hesitate about making due reparation when the acts of their subordinate authorities had been such as not to admit of justification.

<sup>1</sup> Despatches, Great Britain, vol. 63; enclosure with Lawrence to the Secretary of State, No. 156, January 14, 1852, below, this part, doc. 2963.

As Her Majesty's Government have full confidence that the Government of the United States is actuated by a similar feeling, they hope that this mutual confidence will induce each nation to refer at once to each other in all cases of such disputes; and until due time has elapsed for the necessary explanations to be received, to defer taking any steps which might lead to collisions and thus much aggravate the original difficulty.

The Undersigned [etc.].

2963

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

No. 156

LONDON, January 14, 1852.

SIR: I have the honor to enclose to you a further correspondence between Lord Granville and myself,<sup>2</sup> from which you will perceive that the conduct of the Officer commanding the "Express" was disapproved by Vice Admiral Sir George Seymour, in command of the British Naval Forces in the West Indies: and that H. M. Gov't approve the act of the Vice Admiral, and disavow both the act of the commander of the "Express" and the act of the Consul at San Juan, and further offer an ample apology for the infringement of the Treaty. I have expressed my gratification at the promptness with which this has been done.

I have the honor [etc.].

2964

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>3</sup>

No. 164

LONDON, February 27, 1852.

SIR: During my recent visit to Paris, M<sup>r</sup> Davis, in compliance with my instructions, transmitted to the Department a copy of a Note from Lord Granville<sup>4</sup> proposing the appointment of a British and a United States' Engineer Officer jointly to accompany and verify the Report of an Engineer and corps about to be despatched to the Isthmus of Darien by Mess<sup>rs</sup> Fox, Henderson, & Co. and M<sup>r</sup> Brassey, for the purpose of surveying for a route in which to construct a great ship canal between the Gulf of Darien [San Miguel?] and Port Escoces.

<sup>1</sup> Despatches, Great Britain, vol. 63. Received February 9.

<sup>2</sup> The enclosed correspondence was a note from the British Secretary of State for Foreign Affairs to Lawrence, January 10, 1852, which is above, this part, doc. 2962, and Lawrence's brief acknowledgement of the 13th, which is not included in this publication, since he merely expresses in it his gratification at the prompt action of the British Government in this matter.

<sup>3</sup> Despatches, Great Britain, vol. 63. Received March 13.

<sup>4</sup> Not included in this publication. It was dated January 19, 1852. An adequate review of its brief content is given within this despatch.

Since the date of Mr Davis' communication I have received a Circular letter from Mess<sup>rs</sup> Vanderbert [Vanderbilt?] and White of New York informing me that their corps of Engineers has returned from Central America after an absence of fifteen months, and that Colonel Childs would be able, early in the present month, to report most favorably of his labors. I confess I had lost sight of this movement when the proposition of Lord Granville was forwarded to you, not having heard, either directly or indirectly, from its promoters respecting it since they were in London the year before last.

The Report of Colonel Childs is looked for with deep interest; and there does not appear any difficulty in associating persons of both countries—able to accomplish so great a work—whenever a satisfactory survey shall have been completed.

I have the honor [etc.].

2965

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

No. 166

LONDON, March 22, 1852.

SIR: At a late interview with the Earl of Derby, his Lordship informed me that he desired to speak upon the defeat of Rosas, and the probable conclusion of the war of the United Provinces of La Plata or the Argentine Republic, which he regarded as of importance to the trade and commerce of the World, and particularly that of Great Britain. He said that there appeared now to be an opportunity to negotiate for the Navigation of the La Plata and its tributaries, and perhaps to open a trade into the interior of that vast country so fertile in natural resources—that a commerce so promising as that which would be realized by opening these Rivers ought not to be confined to any one Country, but should be enjoyed by all Nations—and that he thought it would be wise for Great Britain, The United States, and France to act in concert in an effort to obtain the object above stated; and he suggested whether a question of so much importance should not be placed in the hands of Commissioners specially appointed for the purpose. He further said that he should instruct the British Ambassador at Paris upon the subject, and desired me, if I thought favorably of the plan, to transmit it without delay to the Government of The United States.

The suggestion commends itself to my judgment. The importance to the United States of having free ingress and egress upon the waters of the La Plata and its tributaries to and from this portion of the interior of South America can hardly be overestimated. I will not dwell upon the subject, knowing that your knowledge of the country, and your interest in the ex-

<sup>1</sup> Despatches, Great Britain, vol. 63. Received April 6.

tension of the commerce of the United States are such, that I need not urge you to give this matter an early attention, nor beg of you the favor of an early reply.

I have the honor [etc.].

2966

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

No. 167

LONDON, March 26, 1852.

SIR: Since my despatch N<sup>o</sup> 166,<sup>2</sup> I have conversed with both Lord Derby and Lord Malmesbury with regard to the affairs of the La Plata, and was informed by both that the Government of France had signified its willingness to unite in an effort to obtain such a Navigation of that River, and the other Waters in that part of South America, as has been long desired by Commercial Nations.

That this Question might come before the Government of The United States in a more regular form than through me on verbal authority, in the presence of Lord Derby I requested Lord Malmesbury to place M<sup>r</sup> Crampton in possession of his views, with instructions to communicate them to you; which he said he should do by this Mail, and added that no time should be lost in sending an Envoy or Instructions to Brazil, and that this Government would act promptly in the Matter.

I enclose a Report of a Debate on this subject<sup>3</sup> this week in the House of Lords, which shows with truth the importance attached to it here.

The general opinion here is that Brazil will attempt to obtain from the Argentine Confederation such privileges as will give that Empire the control of the Commerce of the Interior of that great Country to the exclusion of other Nations. I have no doubt that England and France will have sent to South America before this Despatch reaches you, either special Envoys, or Instructions to their Ministers at Rio de Janeiro, Buenos Ayres, or Monte Video. I have deemed it my duty to submit this question to your consideration, in the hope that it might occupy your early attention.

I enclose herewith a Copy of Memorandum on this subject by William Gore Ouseley, Esquire,<sup>4</sup> for many years H. M. Chargé d'Affaires at Brazil,

<sup>1</sup> Despatches, Great Britain, vol. 63. Received April 9.

<sup>2</sup> Above, this part, March 22, 1852, doc. 2965.

<sup>3</sup> Not included in this publication.

<sup>4</sup> It follows:

PRIVATE

*Memorandum by William Gore Ouseley*

Without entering into any detail, it may be necessary to remind that the Great Rivers which it is now desired to open to the Commerce of the World flow through or are connected by tributaries with—, 1<sup>o</sup>, the Provinces forming what is now called the *Argentine Confederation*, formerly *United Provinces of Rio de la Plata*; 2<sup>o</sup>, the Republic of the *Uruguay* (of which the capital is *Monte Video*). This State is called also *Banda*

and afterwards Envoy at Buenos Ayres, and special Minister at the Banda Oriental, which I will thank you to consider private so far as the use of his name is concerned.

The United States Expedition fitting out for Japan meets with high favor in England.

I have the honor [etc.].

*Oriental*, or Eastern shore or bank (of the River Plate); 3<sup>o</sup>, *Paraguay* from which the great river Paraguay continues to flow under the name of Parana, after its junction with that river, (much as the Ohio and Mississippi are circumstanced) to the River Plate; 4. *Bolivia* connected with the greater rivers by affluents more or less capable of being rendered useful to commerce, and *Brazil* through which great part of the Uruguay River flows, almost meeting the Parana where it empties itself into the Great Estuary called the *Rio de la Plata*.<sup>\*</sup> The States most immediately interested in this question are of course Paraguay, whose existence in its relations with foreign, European, or North American States depends on these great rivers. The Banda Oriental (or Republic of Uruguay) with the best ports<sup>\*</sup> on the River Plate, and its North East frontier bounded by the River Uruguay;

The Argentine Confederation possessing no good port or harbour † [on the Plata] except up the Parana, and Brazil more especially in connection with the Uruguay.

The Argentine Provinces more immediately interested are four in number, through which the River Parana flows; the others have of course that general interest in the navigation that will be much increased whenever the so-called Confederation becomes more of a reality than a name (as is now likely.) Gen<sup>l</sup>. Rosas claimed Paraguay as a Province of the Confederation. Its independence however was always asserted and indeed not contested during the whole of the reign of D<sup>n</sup> Francia, and its *de facto* as well as *de jure* independence is asserted to date from a year or two before that of Buenos Ayres. From Buenos Ayres being the Capital of the maritime province of that name and made consequently the seat of the Government as far as its foreign relations are concerned, as also from having been the residence of former Colonial Governors, it has become common to use the name of *Buenos Ayres* to designate the whole of the Argentine Provinces. In a similar way the Banda Oriental is generally called *Monte Video*, as that is its chief city. The Republic of the Uruguay (or Monte Video) only dates as an independent State from 1828, when in order to take away a bone of contention, causing frequent warfare between Brazil and Buenos Ayres [or the A. Confederation] and serious interruptions to Commerce, (and other evils), it was erected into a separate Republic, under the mediation of Great Britain.‡ The Brazils thus had a barrier placed between them and the ambitious and turbulent leaders constantly likely to attack her Southern provinces,§ and Buenos Ayres ¶ was thus deprived of the power she was always anxious to obtain of exclusive enjoyment ¶ of the navigation of the River Plate, which she might have rendered by jealous and ignorant restrictive measures.\*\* infinitely less advantageous than it might and ought to be to the commerce of the world.

This short outline of the *Status quo* before the joint intervention in 1845.6 may suffice although very imperfect. The intervention was called for, as Gen<sup>l</sup> Rosas was determined to get *de facto* possession of Monte Video and its territory. †† It was to defend the Independence of the latter and guarantee the existence of the boundary formed by the Banda Oriental, that Brazil proposed the joint Intervention of England and France with its own. Of course negotiation was the mode proposed and attempted: as that was found useless with Rosas who never yielded but to force or the fear of force, it was necessary to back the negotiation by coercive measures, ‡‡ and these were adopted so far as establishing a blockade of the Province of Buenos Ayres, and affording aids of men, arms, and ammunition to the Government of the Banda Oriental for the defence of Monte Video. When the Intervention was on the point of complete success, by an alliance offensive and defensive between Urquiza [at the head] of some of the fluvial

\* Monte Video, Colonia, and Maldonado.

† Buenos Ayres is an open Roadstead.

‡ Lord Ponsonby was then English Minr.

§ Rosas's favorite plan was to aid an insurrection of Slaves in Rio Grande do Sul.

¶ A. Confederation ¶ I.e. of the exclusive right over the River Plate.

\*\* which she showed a disposition to adopt, & Rosas followed the vexatious principles even with the sister Provinces.

†† In this he very nearly succeeded and doubtless would but for the Intervention.

‡‡ Unfortunately Brazil was not invited to take an active part in this Intervention although it initiated with her.

2967

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

No. 168

LONDON, March 26, 1852.

SIR: Since my Despatch No. 164,<sup>2</sup> relative to the proposed survey for a Route for a canal between the Atlantic and Pacific Oceans, I have heard nothing farther from Mess<sup>rs</sup> Vanderbilt and White, nor have I received the Report of Col. Child [Childs?]. Sir Charles Fox called upon me yesterday to state that they had detained their Engineers a fortnight under the expectation that this Report would be received—that H. M. Gov't had appointed an Officer to accompany the party—and that they only awaited the action of the Gov't of the United States: to which I replied that I had received no

provinces of the Confederation] Monte Video, Paraguay, and the forces of the Intervention,—the change of Administration took place in England and her policy was reversed. This redoubled the strength morally and politically of Rosas, whose pretensions rose in proportion as concessions were made and the Conventions signed by the English and French Plenipotentiaries, who succeeded Mr Gore Ouseley were of a nature not calculated to further any of the great interests involved in the question. Mr Gore Ouseley's efforts were directed to opening the commerce of these great rivers to the world, without any exclusive advantages to England or any other particular State, to consolidate the Governments of the respective Republics, to acknowledge the Independence of Paraguay and open the great highways of nature to that State and the fertile regions of the center of South America, by something similar to the arrangement by which the navigation of the Rhine is regulated.

Mr Gore Ouseley's successors [ ] [i.e. of course also H. M. late Administration] followed a policy directly contrary to that which he, according to his Instructions from Lord Aberdeen pursued. They yielded to the arrogant pretensions of Genl Rosas and abandoned Monte Video and the interests of foreign commerce to his Lieutenant Oribe and himself. Brazil, threatened in vital points, when the Anglo-French Intervention was withdrawn had to come forward in self-defence. The opportunity for a rupture was amply afforded by the insolent and provocative language and attitude of Genl Rosas, whose Minister was instructed to demand his passports, and the Brazilians entered into an alliance with Paraguay, Urquiza (at the head of those Provinces opposed to Genl Rosas), and the Banda Oriental. The latest accounts may thus be summed up—The allied forces advanced into the Banda Oriental and were joined by the troops of Oribe (Rosas' invading army) and having cleared that Republic with little opposition, Urquiza crossed the Parana and defeated Rosas' army, entering Buenos Ayres, with the declared intention of forming a legal and Constitutional Government of the Argentine Provinces.

Naturally Brazil having incurred great expenses in carrying the campaign to a successful conclusion, and laid each of her allies under the greatest obligation, looks to obtaining a preponderating control of the South American policy as some compensation for her exertions and outlay. Brazil long since recognized the Independence of Paraguay, which seems to have been a step too long neglected by many other Powers. Mr Gore Ouseley acknowledged *ad referendum* [conditionally on approval in England, and on certain stipulations] the Independence of Paraguay; this was not confirmed at the time and remains in abeyance. Access to Paraguay for maritime commerce can only be obtained by means of the great Rivers and "a right of way" to the Ocean is for that, hitherto Japanese-like isolated State, a question of vital and paramount importance.—

Excuse these hasty Mens:—I would have them copied but time presses.

Yours most truly,

§§ Lord Howden and subsequently Mr Southern.

[ ] Lord Howden, Mr Southern, Mr Hood, Capl. Gore

¶¶ Thus virtually giving the control of both branches of La Plata to Rosas.

<sup>1</sup> Despatches, Great Britain, vol. 63. Received April 9.

<sup>2</sup> Above, this part, February 27, 1852, doc. 2964.



instructions, but supposed the Govt of the United States to be waiting for Col. Childs' report before deciding.

Messrs. Fox and Co. will probably send out their party of Engineers in a few days whether with or without a Government Officer I cannot say. As there can probably be but one Canal, as that one should be constructed as well for the wants of the future as those of the present, and as it will doubtless absorb in its construction as much of the private capital of both Countries as Mercantile persons will desire to invest in it, I am anxious that a preliminary survey like the present should be made in such a way as to ensure its completion and excite jealousy in neither country.

It is equally the interest of the United States and of Great Britain to connect the two Oceans at the earliest practical period, by the best route, without reference to private interests, even though at an augmented cost of a few millions of dollars. The canal will be remunerating at any rate. But it is understood that neither Government will be interested in its construction beyond the guarantee of the Treaty of 1850. Yet each may assist by its advice and encouragement. The present British Cabinet, following the example of the last, is, I think inclined to give to private individuals embarking in this scheme the aid of its countenance. I respectfully suggest that the same course may be pursued at Washington with great benefit to the Country, by entering into communication with Capitalists and others who might be disposed to aid in completing this most important work.

At the present time the matter can be taken in hand with great advantage. Men of energy and property are willing to embark in it here, and doubtless also in the United States. Money for commercial Bills can be had in England at two per cent per annum. The Bank of England loans upon stocks at two per cent, and, it is said, is about to reduce the rate of discount from two and a half to two percent. Large amounts of the best paper have been taken by bill brokers at  $1\frac{3}{4}$  per cent per annum. I therefore, in view of these facts, most respectfully beg to urge this matter on your attention.

I have the honor to acknowledge the receipt of your despatch N<sup>o</sup>. 75<sup>1</sup> relative to the "Louisa Beaton", and shall put the papers at once in hand for copying.

I have the honor [etc.].

2968

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>2</sup>

No. 169—Confidential.

LONDON, March 26, 1852.

SIR: At the request of Señor Isturiz, the Spanish Minister at this Court, I have the honor to acquaint you that he has received advices, on which he

<sup>1</sup> Not included in this publication.

<sup>2</sup> Despatches, Great Britain, vol. 63. Received April 9.

relies, that an expedition is forming in Savannah, Geo., for the purpose of invading again the Island of Cuba. I told him in reply to this request that I would comply with it, but that I doubted the correctness of his information.—that if it were true, the Government of the United States would be likely to be informed of it and that he might assure the Spanish Gov't. that every possible legal measure would be taken to prevent any such expedition sailing from Savannah or any other Port of the Union.

Although it seems almost incredible that, after the fatal result of the last expedition, men should be found willing to take the risk of another piratical invasion of Cuba, yet one of the liberated men from Spain who called upon me for pecuniary assistance told me that he was with Lopez in both expeditions, and would join a third if he had the opportunity.

I have the honor [etc.].

## 2969

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

No. 172

LONDON, April 2, 1852.

SIR: Since my Despatch No 168,<sup>2</sup> Messrs Fox, Henderson, & Co., have sent their surveyor to Central America, and Lord Malmesbury has signified to me his intention of sending an Engineer to Washington in the hope that the Gov't of the United States will also appoint an Officer to accompany the Corps of surveyors. He will also probably write Mr Crampton on the subject, with instructions to bring it before you.

The object in sending Government Officers is to prevent jealousy on the part of either Country, and to obtain information in which full confidence can be placed. The movement commits no one—the surveys will be made without expense to either Gov't, beyond that of detailing from the regular service an officer of engineers,—and the information obtained cannot but prove of great value. The time has come, it seems to me, for efficient action with respect to an interoceanic canal, and I am quite satisfied we should cooperate with this Country in seeking the best route for its construction.—I have, however, carefully refrained from making any promises, but have confined myself to undertaking to lay the proposition before you.

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 63. Received April 21.

<sup>2</sup> Above, this part, March 26, 1852, doc. 2967.

2970

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

No. 173

LONDON, April 7, 1852.

SIR: Referring to my Despatches N° 166. and N° 167,<sup>2</sup> I have now the honor to inform you that this Government has appointed Captain Sir Charles Hotham, R.N., and the French Government has appointed the Chevalier de St. George, as Ministers Plenipotentiary, to proceed to Brazil, and the Argentine Confederation, for the purpose of obtaining the free Navigation of the La Plata, the Parana, the Uruguay, and other rivers in that part of South America.

Sir Charles Hotham called upon me this morning and informed me that he should sail in about ten days, and should meet the French Envoy at Bahia, whence they should probably proceed to Rio, before going to Buenos Ayres and Monte Video—He added that he should go into the interior provinces, particularly to Paraguay.

I take the liberty of again inviting the attention of the President to the expediency of advising the sending [of] a special Envoy upon a similar service, that we may be represented in the interior Provinces of this great Country, without disturbing the regular diplomatic relations between the United States and Brazil or the Argentine Republic. It may be that under the altered state of things, the Joint Commission will deem it necessary to adopt a course towards some one of the Governments in that part of South America, that would embarrass a public functionary resident there. Hence I should esteem it a wise policy to follow the example of England and France, in sending a person entirely uncommitted upon any of the points that may come under the notice of the commission. I apprehend that Sir Charles Hotham and the Chevalier de St George will arrive at Rio from the 1<sup>st</sup> to the 10<sup>th</sup> of June.

The magnitude of this mission, and its importance to the United States, if successful, and the necessity of prompt action, if at all, must be my excuse for so often calling your attention to it before sufficient time has elapsed for me to hear from you, after sending Lord Derby's invitation to unite with Great Britain and France. I am aware that both the President and yourself are alive to the interests of Commerce, and that under ordinary circumstances, neither would require any prompting, to insure an early attention to a subject of this character.

In this case, however, I have no doubt that both the British and French Envoys will be instructed to ascend the great Rivers, to visit the Capitals of several of the Provinces, and to report upon the condition of the People,

<sup>1</sup> Despatches, Great Britain, vol. 63. Received April 22.

<sup>2</sup> Above, this part, docs. 2965 and 2966, dated, respectively, March 22 and 26, 1852.

the resources of the Provinces, and the Country generally. I hope the President may agree with me, that it is important that we should occupy this great field of commerce as early as any other Nation: and it is for these, as well as other reasons that will readily occur to you, that I take the liberty of suggesting the expediency of sending at an early day to the La Plata, an Envoy of known character and intelligence, with instructions somewhat similar to those indicated above.

I have the honor [etc.].

2971

*Lord Malmesbury, British Secretary of State for Foreign Affairs, to Abbott Lawrence, United States Minister to Great Britain*<sup>1</sup>

F. O., April 8, [1852].

MY DEAR M<sup>r</sup> LAWRENCE: You escaped from Ld Palmerston's last night before I could tell you that I have upon consideration thought it better to postpone Capt C Morison's expedition to Washington with reference to Fox & Henderson's Survey, for reasons I will give you when we meet.

Yr [etc.].

2972

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>2</sup>

LONDON, April 8, 1852.

MY DEAR SIR: I have just received the enclosed note from Lord Malmesbury<sup>3</sup>—and have not time before closing the Bag to do more than make the enclosure—You shall have the reasons for the change of mind when I have seen his Lordship.—

I am [etc.].

2973

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>4</sup>

No. 175

LONDON, April 16, 1852.

SIR: Referring to my Despatch N<sup>o</sup> 173,<sup>5</sup> I have now the honor to enclose a translation of so much of a Treaty concluded between Brazil and Uruguay in

<sup>1</sup> Despatches, Great Britain, vol. 63; enclosure with Lawrence to the Secretary of State, April 8, 1852, below, this part, doc. 2972.

<sup>2</sup> Despatches, Great Britain, vol. 63. The receipt date was not indicated.

<sup>3</sup> Above, this part, April 8, 1852, doc. 2971.

<sup>4</sup> Despatches, Great Britain, vol. 63. Received May 1.

<sup>5</sup> Above, this part, April 7, 1852, doc. 2970.

October last, as relates to the basis on which those Powers propose to settle the Navigation of the La Plata and its tributaries.<sup>1</sup> Sir Charles Hotham will sail for Rio on the 20<sup>th</sup>.

I have the honor [etc.].

<sup>1</sup> This enclosure follows:

*Extract from the Treaty of Commerce and Navigation, concluded between Brasil and Uruguay on the 12<sup>th</sup> of October 1851*

[TRANSLATION]

Art. 14<sup>th</sup> The two high Contracting Parties wishing to render closer their relations and to encourage their respective commerce, have agreed in principle to declare common the Navigation of the river Uruguay and that of the affluents thereof belonging to them.

Art. 15<sup>th</sup> Both high Contracting Parties bind themselves to invite the other fluvial states of the Plate and its affluents to enter into a similar agreement for the purpose of making free for the fluvial States the navigation of the rivers Parana and Paraguay.

Art. 16<sup>th</sup> If, as it is to be hoped, the other States agree to the common navigation of those rivers for the fluvial countries, they will be equally invited to establish in common the fiscal and police regulations to which the said navigation is to be subject; and both High Contracting Parties bind themselves to maintain as the basis of such regulations those bases which may be more favorable to the better and wider development of the navigation for which they will be established.

Art. 17<sup>th</sup> In the case of the other fluvial States not wishing to agree to the arrangements necessary for the said purpose, the two High Contracting Parties will regulate by themselves, as it will be more convenient to them, the navigation of the Uruguay and of its affluents on the eastern margin.

Art. 18<sup>th</sup> The two High Contracting Parties, seeing that the Island of Martin Garcia [Martín García?—Ed.] may, by its position, serve as a means of obstructing and impeding the free navigation of the affluents of the Plate, in which all the fluvial States are interested, acknowledge also the convenience of the neutrality of the said Island in time of war, either between the States of the Plate or any & one of them and any other Power, for the common benefit and the guarantee of the navigation of the said rivers; and have therefore agreed,

1<sup>st</sup> To oppose themselves, by all their means, to the sovereignty of the Island of Martin Garcia ceasing to belong to one of the States of the Plate, interested in its free Navigation:

2<sup>d</sup> To solicit the coöperation of the other fluvial states, in order to obtain from the State to which the Possession and Sovereignty of the above mentioned Island belongs or may in future belong to bind itself not to make use of the said Island for the purpose of obstructing the free navigation of the other fluvial States, and to consent to its neutrality in time of war, as well as to the establishments that may be necessary for the security of the internal navigation of all the fluvial states.

Art. 19<sup>th</sup> The reef of "Salto Grande" being an impediment to the free navigation of the river Uruguay, and it being for the common interest to remove that obstacle or avoid it by means of a lateral canal, the two High Contracting Parties agree to invite the other fluvial States to undertake that work in common. If the invitation is not accepted, the two High Contracting Parties will determine the way of undertaking the said work by themselves, and will, in such case, impose a passage duty on the vessels of the other States which will enjoy that benefit.

2974

*John F. Crampton, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

Confidential.

WASHINGTON, April 23, 1852.

MY DEAR SIR: I beg to inclose the copy of the despatch and of the project for a Convention<sup>2</sup> which formed the subject of the conversation which

<sup>1</sup> Notes from Great Britain, vol. 29. The receipt date was not indicated.

<sup>2</sup> The project for a convention which accompanied this note was the same as that which was enclosed with the note of this same date from the French minister at Washington, Mr. Sartiges, to the Secretary of State, for which see above, vol. VI, pt. VI, doc. 2628, and the second document in note 3 thereto; except for the expression in the first paragraph of Article I, after "Cuba," the enclosure with the above British Minister's note reads, "and they respectfully bind themselves to discountenance all attempt . . ." instead of "and they engage respectively to prevent and repress, so far as may lie in their power, every attempt . . ." and except for a few immaterial changes in wording which do not alter the meaning.

The enclosed communication from Lord Malmesbury, the British Secretary of State for Foreign Affairs, to Crampton, dated April 8, 1852, follows:

*Lord Malmesbury, British Secretary of State for Foreign Affairs, to John F. Crampton, British Minister to the United States*

No. 34

LONDON, April 8, 1852.

SIR: The attacks which have lately been made on the Island of Cuba by lawless bands of adventurers from the United States, with the avowed design of taking possession of that Island, have engaged the serious attention of Her Majesty's Gov<sup>t</sup>, the more especially as they are most anxious that the friendly relations now existing between Great Britain and the United States should not be endangered, as they might be, by a repetition of such attacks.

The Government of the United States has repeatedly declared that it would not see with indifference the Island of Cuba fall into the possession of any other European Power than Spain. Her Majesty's Government share in the most unqualified manner in the views thus put forth by the Gov<sup>t</sup> of the United States, and could never see with indifference the Island of Cuba in the possession of any Power whatever but Spain.

The Gov<sup>t</sup> of France with which Her Majesty's Gov<sup>t</sup> have been in communication on this important matter, cordially adopt the same view, and concur with Her Majesty's Gov<sup>t</sup> in thinking that an effort ought to be made, in concert with the Government of the United States, to place this matter on such a footing as shall preclude all hazard of collision between either of the three Powers in the event of the aggression on Cuba being repeated.

The British Gov<sup>t</sup> can have no hesitation in explicitly declaring that they have no wish or intention to appropriate Cuba to themselves.

The French Gov<sup>t</sup> have signified to Her Majesty's Gov<sup>t</sup> their entire concurrence in these sentiments, and their readiness to make a formal declaration to the same effect.

The Gov<sup>t</sup> of the United States having also at various times pronounced themselves in the same sense, and having moreover in these later times exerted themselves, so far as their legal competence permitted, to arrest and defeat the attempts made by United States citizens and others against the Island of Cuba,—all three Parties appear to be fully agreed to repudiate, each for itself all thought of appropriating Cuba; and it would therefore seem as if all that remained to be done were to give practical effect to the views entertained in common by the Three Powers.

It appears to Her Majesty's Gov<sup>t</sup>, and in this view the Gov<sup>t</sup> of France have expressed their concurrence, that this result would be best attained by the Three Parties entering into a Tripartite arrangement, whether by Convention, or by the interchange of formal notes, by which they should bind themselves severally and collectively to renounce, both now and hereafter, all intention to obtain possession of the Island of Cuba and to discountenance all attempts to that effect on the part of others.

I inclose herewith a project of such a Convention as Her Majesty's Gov<sup>t</sup> think would answer the purpose intended; and I have to instruct you to submit that project to the Gov<sup>t</sup> of the United States for its favourable consideration, accompanying the proposal

Monsieur de Sartiges and myself had the honour of holding with you this morning.

The sentiments and opinions which you expressed to us with so much frankness and precision in regard to this matter, were so entirely in concurrence with those entertained by Her Majesty's Government, and so well embody the principles which have been laid down by the President of the United States on several occasions, and more especially in his last annual Message to Congress, that it would be a great satisfaction to me to be enabled to convey them to Lord Malmesbury in your own words; if, therefore, you were to think it expedient, in acknowledging the receipt of my present communication, to make such a succinct statement of them as you may deem proper, it would afford me an opportunity of communicating your remark *confidentially* to His Lordship in a manner which would I am convinced be extremely gratifying to Her Majesty's Government.

Believe me [etc.].

2975

*John F. Crampton, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, April 29, 1852.

SIR: I have received the Note which you have done me the honour to address to me in reply to the confidential letter which at your suggestion I wrote to you on the 23<sup>d</sup> inst:<sup>2</sup> subsequently to the conversation which, together with the Minister of France, I had the honour of holding with you on the 22<sup>d</sup> instant.

I receive with satisfaction your assurance that the proposition contained in the dispatch from Lord Malmesbury (dated the 8<sup>th</sup> ult<sup>o</sup>)<sup>3</sup> will be taken into consideration by the President and that he will give it his best reflections.

The subject is, as you have justly remarked, one which calls for mature consideration on the part of the Government of the United States; I cannot help hoping, however, that the concurrence which you have expressed in the general sentiments entertained by Her Majesty's Government in respect to Cuba, will facilitate a prompt and satisfactory solution of this question.

I avail myself [etc.].

with such observations and arguments as you may consider best suited to conciliate the good will of that Government, and to induce them to view with favour the arrangement thus submitted to them.

You will read this Despatch to the United States Secretary of State, and leave a copy of it with him.

I am [etc.].

<sup>1</sup> Notes from Great Britain, vol. 29. The receipt date was not indicated.

<sup>2</sup> See above, this part, doc. 2974, for Crampton's note; and for the Secretary of State's reply, April 29, 1852, see above, this volume, pt. 1, doc. 2726.

<sup>3</sup> See it above, this part, in note 2, p. 459.

## 2976

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

No. 179

LONDON, April 30, 1852.

SIR: The British and French Governments yesterday agreed on instructions to their Envoys, who are to proceed to La Plata in a few days. The French Ambassador informed me last night that they were instructed to place themselves on arrival in full communication with the Minister or Diplomatic Agent of The United States, and to act in connection with him. Rosas has taken up his residence for the present at or near Plymouth. I have thought that the delay in despatching Sir Charles Hotham and the Chevalier de St George, might have been caused by the arrival of Gen. Rosas, from whom it was expected that important information might be obtained. I hope to learn that the proposal of this Government to the United States to unite with it and France in obtaining the free navigation of the great Rivers of South America, has been favorably received by the President, and that an Envoy has been appointed, or instructions given to the Minister of The United States at Brazil, to coöperate with the Envoys of France and England. I am deeply impressed with the magnitude and importance to the United States of opening these waters to our commerce. I am confident that the persons best acquainted with the natural resources of the Provinces of the Argentine Confederation, can have but one opinion upon the subject of making an effort to obtain a direct trade with them by steam.

I have the honor [etc.].

## 2977

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 186

LONDON, June 7, 1852.

SIR: His Excellency the Spanish Minister stated to me on the 4<sup>th</sup> instant that he had received from the United States such information as left upon his mind but little doubt that another Expedition was fitting out for the purpose of invading the island of Cuba, and desired me to call the attention of the United States' Government to the subject. I remarked to Señor Isturiz that such an Expedition could not be matured and not known to the authorities in the country; yet I would not fail to write to you and excite your attention, as he desired.

Lord Malmesbury subsequently acquainted me with the fact that fresh orders had been sent to the Admiral commanding Her Majesty's Naval

<sup>1</sup> Despatches, Great Britain, vol. 63. Received May 18.

<sup>2</sup> *Ibid.* Received June 23.



Forces on the West India Station to send a sufficient force to the Island of Cuba to protect the Spanish authorities against any attack that might be made upon the Island. His Lordship stated further that the French Government had sent a naval force for the same purpose.

I hope and believe that in case such an expedition is fitting out in any port of the United States, efficient measures may be early adopted for its suppression. . . .<sup>1</sup>

You are, doubtless, possessed of more knowledge upon the points of this communication than can be obtained here; yet I deem it to be my duty to make known to you every thing of an international character brought to my knowledge by H. M. Secretary of State for Foreign Affairs.

I have the honor [etc.].

2978

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States* <sup>2</sup>

No. 188

LONDON, June 8, 1852.

SIR: I have the honor to acknowledge the reception of your Despatch, N<sup>o</sup> 77, of 14<sup>th</sup> May.<sup>3</sup>

I rejoice to learn that M<sup>r</sup> Crampton and yourself have agreed upon and signed a proposition to Costa Rica and Nicaragua <sup>4</sup> for the adjustment of their disputes upon the subject of boundary, and also for the adjustment of the controversy between Great Britain and Nicaragua, in regard to the territory claimed by the Mosquito Indians. I hope Nicaragua will accept the proposition:—of which, however, I entertain some doubt.

I am not acquainted with the terms of the proposition, nor, indeed, do I deem them of great importance, so that they guarantee perfect safety against aggressions upon the rights of the several parties interested and prevent collisions between the United States and Great Britain.

With respect to the construction of the canal, I have often expressed my anxious desire that all questions touching the Mosquito Indians and the disputes between Nicaragua and Costa Rica should be definitively settled in order that the Canal Company might be organized and the work commenced. In December last Mess<sup>rs</sup> Vanderbilt [Vanderbilt?] and White wrote to me, and to several other persons in London, that the Report of Col. Childs would be completed and sent here in February of this year. The Report, however, did not arrive; nor do I know the cause of its being delayed. Mess<sup>rs</sup> Fox, Henderson, & Co. after waiting several weeks for it concluded to send out a Corps of Engineers on their own account to survey

<sup>1</sup> The omitted portion relates to the protection of British interests in North America.

<sup>2</sup> Despatches, Great Britain, vol. 63. Received June 26.

<sup>3</sup> Above, this volume, pt. I, doc. 2727.

<sup>4</sup> This proposition, dated April 30, 1852, is above, vol. IV, p. 18, note 4.

a route between Port Escoces and the Gulf of San Miguel (and perhaps other routes) for a Canal. It was proposed to send a British and a United States' Engineer to report upon their surveys, and Lord Malmesbury appointed one, on the part of the British Gov<sup>t</sup>, who was on the point of embarking for Washington when, from some cause which His Lordship said he would explain, it was decided not to send an Engineer. I believe I have already communicated these facts to you.<sup>1</sup> I hope the Report of Col. Childs may soon arrive, as the abundance of money is such as to make the present time favorable for the organization of a Company and placing the Stock in the hands of Capitalists. I have great confidence in the skill, judgment, and integrity of Col. Childs; and the fact that Colonels Abert and Turnbull have verified his Report will give confidence at home and abroad. I hope the Report may be submitted to an examination here, in order that a like feeling may be produced and strengthened in this Government and people.— There is an understanding among those who have taken a deep interest in this work, that one half of the stock should be offered to Capitalists here, and the remainder to Capitalists in the United States; and in case either party declined, or did not subscribe for their full amount, the other party should have a right to that portion remaining unsubscribed, or the whole if there were no subscriptions. The details, however, of organization must all be left to the proprietors.

I repeat the desire that Col. Childs' Report (and the Colonel himself) may be here at an early day, and have the honor [etc.].

## 2979

*Lord Malmesbury, British Secretary of State for Foreign Affairs, to Abbott Lawrence, United States Minister to Great Britain*<sup>2</sup>

LONDON, June 15, 1852.

SIR: With reference to the Note which my Predecessor addressed to you on the 19<sup>th</sup> of January last,<sup>3</sup> relative to a proposition made by Mess<sup>rs</sup> Fox & Henderson to survey a portion of the Isthmus of Darien with a view to the formation of a Ship Canal, and to their suggestion that British and American Engineer Officers should accompany the Persons sent by them to the Isthmus, I have the honor to acquaint you that I have received a Despatch from H. M. Chargé d'Affaires at Bogotá, from which it appears that the portion of Territory which Mess<sup>rs</sup> Fox & Henderson and D<sup>r</sup> Cullen wished to appro-

<sup>1</sup> For the correspondence on this subject, see above, this part, February 27, March 26, April 2, and April 8, 1852, docs. 2964, 2967, 2969, and 2972.

<sup>2</sup> Despatches, Great Britain, vol. 63; enclosure with Lawrence to the Secretary of State, No. 191, June 18, 1852, below, this part, doc. 2981.

<sup>3</sup> Not included in this publication, but an adequate review of its brief content is given in Lawrence's despatch No. 164, February 27, 1852, above, this part, doc. 2964.

priate towards the object in question falls within the limits of the Charter granted by the New Granadian Gov<sup>t</sup> to the Panamá Railway Company.

I have the honour [etc.].

2980

*Abbott Lawrence, United States Minister to Great Britain, to Lord Malmesbury, British Secretary of State for Foreign Affairs*<sup>1</sup>

LONDON, June 16, 1852.

MY LORD: I have the honor to acknowledge the reception of Your Lordship's Note of the 15<sup>th</sup> instant<sup>2</sup> relative to Mess<sup>rs</sup> Fox & Henderson's proposed survey for a Canal route on the Isthmus of Darien of which I will not fail to transmit a copy to the United States' Gov<sup>t</sup> by the first opportunity.

I have recently received from the Honorable Daniel Webster, Secretary of State of the United States, a Despatch in connection with this subject which, in accordance with his instructions, I have the honor herewith to enclose.<sup>3</sup>

I beg also to make Your Lordship acquainted with the arrival in London of Colonel Childs (accompanied by J. L. White, Esq., and H. L. Routh, Esq.,) whose Report<sup>4</sup> Your Lordship will perceive has been examined and approved by Colonels Abert and Turnbull,—two distinguished Officers of the United States' Topographical Engineers well known in and possessing the confidence of the Government and people of the United States and, I may add, not unknown to gentlemen belonging to their profession in the United Kingdom:—and I would now beg to suggest to Your Lordship the appointment on the part of H. M. Gov<sup>t</sup> of Engineers possessing well known skill and experience and the confidence of the public, for the purpose of examining the Report of Col. Childs.

I should be happy in the honor of an interview at Your Lordship's earliest convenience.

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 63; enclosure with Lawrence to the Secretary of State, No. 191, June 18, 1852, below, this part, doc. 2981.

<sup>2</sup> Above, this part, doc. 2979.

<sup>3</sup> Presumably Lawrence enclosed to Lord Malmesbury instruction No. 77, May 14, 1852, above, this volume, pt. 1, doc. 2727.

<sup>4</sup> Not included in this publication.

## 2981

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 191

LONDON, June 18, 1852.

I beg to transmit herewith a copy of a Note from the Earl of Malmesbury, relative to Messrs Fox & Henderson's proposed Survey for a Canal route across the Isthmus of Darien, together with a copy of my reply thereto;<sup>2</sup> and also a printed copy of the "Passengers Act Amendment Bill"<sup>3</sup> which will, in all probability become a law without further change.

I have the honor [etc.].

## 2982

*Lord Malmesbury, British Secretary of State for Foreign Affairs, to Abbott Lawrence, United States Minister to Great Britain*<sup>4</sup>

LONDON, June 30, 1852.

The Earl of Malmesbury presents his compliments to Mr Lawrence, and with reference to his letter of the 16<sup>th</sup> instant,<sup>5</sup> enclosing Colonel Childs' Report<sup>6</sup> respecting the Ship Canal which it is proposed to construct through the Territory of Nicaragua from the Atlantic to the Pacific Ocean, and suggesting the appointment of two Competent Engineers to examine that Report, has the honor to inform Mr. Lawrence that Lieut. Colonel Aldrich, of the Royal Engineers, and Mr. James Walker, the eminent Civil Engineer, have been appointed by H. M. Gov't to examine Col. Childs' Report.

Lord Malmesbury begs to add that he has requested the Master General of the Ordnance to direct Col. Aldrich to place himself in immediate communication with Mr. Walker, and to proceed to the investigation with the least possible delay.

<sup>1</sup> Despatches, Great Britain, vol. 63. Received July 2.

The omitted portion of this despatch relates to the receipt of instructions chiefly concerning consular and claims matters.

<sup>2</sup> See above, this part, docs. 2979 and 2980, dated, respectively, June 15 and 16, 1852.

<sup>3</sup> Not pertinent to this publication.

<sup>4</sup> Despatches, Great Britain, vol. 63; enclosure with Lawrence to the Secretary of State, No. 194, July 2, 1852, below, this part, doc. 2985.

<sup>5</sup> Above, this part, doc. 2980.

<sup>6</sup> Not included in this publication.

2983

*John F. Crampton, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, July 1, 1852.

The Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, has the honour to acknowledge the receipt of the Note which the Honourable Daniel Webster, Secretary of State of the United States, has addressed to him under this day's date.<sup>2</sup>

The Undersigned has learned with extreme surprise and regret from M<sup>r</sup> Webster's Note that a Document stated to be a Proposition jointly signed by M<sup>r</sup> Webster and himself for the adjustment and determination of certain contested Claims to Territory between Nicaragua, Costa Rica and the Mosquito Indians has been published in one of the Newspapers of this Country.

Had the Newspaper in question been seen by the Undersigned, before he received M<sup>r</sup> Webster's Note, he would have thought it his duty not to lose a moment in protesting against this unauthorized publication of a Confidential State Paper and to entreat the United States Government to take every means in their power to discover in what way such a Publication had taken place with a view to the entire disavowal of the act by that Government; and should it have turned out that this Statement had appeared in consequence of any communication made by an Officer of the United States Government, the Undersigned would have requested the Secretary of State to move the President to apply the proper punishment for so flagrant a breach of trust.

With regard to the Members of Her Majesty's Legation near this Government, the Undersigned can positively state that no such publication had their authority, and that no part of it has emanated from them. The Document in question has been communicated by the Undersigned to the proper Officers of Her Majesty's Government and to no other person.

The Undersigned understood that the Envoys of Costa Rica and Nicaragua, although not direct Parties to the Negotiation, had been furnished with copies of the Document in question by the Government of the United States, and the Undersigned entirely concurring in the propriety of such a course, has at all times conversed with these Ministers upon the matters therein contained without reserve; but the Undersigned has never made them the subject of any communication either verbally or in writing to any one else.

The Undersigned has the honour [etc.].

<sup>1</sup> Notes from Great Britain, vol. 29. The receipt date was not indicated.

<sup>2</sup> Above, this volume, pt. 1, doc. 2729.

## 2984

*Abbott Lawrence, United States Minister to Great Britain, to Lord Malmesbury,  
British Secretary of State for Foreign Affairs*<sup>1</sup>

LONDON, July 2, 1852.

M<sup>r</sup>. Lawrence presents his compliments to the Earl of Malmesbury and begs to acknowledge the reception of His Lordship's Note of the 20<sup>th</sup> instant<sup>2</sup> acquainting M<sup>r</sup>. Lawrence with the appointment of Lieut. Col. Aldrich, of the Royal Engineers, and M<sup>r</sup>. James Walker, the eminent Civil Engineer, to examine the Report of Col. Childs respecting the Ship Canal which it is proposed to construct through the Territory of Nicaragua from the Atlantic to the Pacific Ocean.

M<sup>r</sup>. Lawrence begs to assure the Earl of Malmesbury of his entire satisfaction at this intelligence, and to express his sense of His Lordship's courtesy in expediting the investigation.

## 2985

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster,  
Secretary of State of the United States*<sup>3</sup>

No. 194

LONDON, July 2, 1852.

SIR: I have the honor to transmit herewith a copy of a Note addressed to me by M. de Rivero, Chargé d'Affaires of Peru at this Court,<sup>4</sup> accompanied by a Parliamentary paper containing correspondence upon the subject of the right of sovereignty of the Republic of Peru over the Lobos Islands.<sup>5</sup> You will have noticed that in both Houses of Parliament this question has been fully discussed and that this Government has acknowledged the rights of

<sup>1</sup> Despatches, Great Britain, vol. 63; enclosure with Lawrence to the Secretary of State, No. 194, July 2, 1852, below, this part, doc. 2985.

<sup>2</sup> See the note of the British Secretary of State for Foreign Affairs of June 30, above, this part, doc. 2982, which is obviously the document erroneously dated here the "20<sup>th</sup> instant."

<sup>3</sup> Despatches, Great Britain, vol. 63. Received July 16.

<sup>4</sup> This note, dated June 29, 1852, follows:

*Francisco de Rivero, Peruvian Chargé d'Affaires at London, to Abbott Lawrence, United States Minister to Great Britain*

[TRANSLATION]

LONDON, June 29, 1852.

MR. MINISTER: I have the honor to send to Your Excellency a copy of the collection of official documents presented to the Parliament by the Government of Her Britannic Majesty [Not found.—Ed.], relative to the islands of Lobos de Fuera and Lobos de Tierra, which form part of the territory of the Republic of Peru. I hope that Your Excellency will be good enough to take note of these documents, which clearly and undeniably prove the right of Peru to the said islands, and to transmit them to your Government.

I avail myself [etc.].

<sup>5</sup> Not found.

Peru to the Islands in question. Deeming it proper that you should possess the fullest information on this subject, I have not hesitated to send you the accompanying papers relative to it.

I have the honor to transmit also a copy of a Note from the Earl of Malmesbury acquainting me with the appointment on the part of Her Majesty's Government of two Engineers to examine the Report of Col. Childs respecting the ship Canal which it is proposed to construct through the territory of Nicaragua from the Atlantic to the Pacific Ocean, together with a copy of my reply thereto.<sup>1</sup> Lieut. Col. Aldrich and M<sup>r</sup> James Walker, the gentlemen appointed to this service, are eminent in their profession, and any opinion emanating from them will be received by the public with the fullest confidence in their ability and integrity.

Parliament was prorogued yesterday by the Queen in person. I enclose a copy of Her Majesty's Speech on that occasion. The dissolution of Parliament will take place without delay.

I have the honor [etc].

2986

*John F. Crampton, British Minister to the United States, to Daniel Webster, Secretary of State of the United States*<sup>2</sup>

WASHINGTON, July 8, 1852.

SIR: In reply to the Note which I had the honour of addressing to you on the 23<sup>rd</sup> of April last,<sup>3</sup> communicating to you a Project for a Convention respecting the Island of Cuba,<sup>4</sup> together with a copy of the Instructions with which I have been furnished in regard to this matter by Her Majesty's Principal Secretary of State for Foreign Affairs, you addressed to me a Note dated the 29<sup>th</sup> of April last,<sup>5</sup> by which you assured me that the subject of the Communication I had made would be taken into consideration by the President of the United States and would receive his serious attention.

Two months have however now elapsed, and it may therefore now be proper that I should request you to enable me to inform Her Majesty's Government of the views and intentions of the Government of the United States in regard to the proposition which I had the honour of addressing to you, and by which the Government of the United States is invited to join Her Majesty's Government and the Government of France in a Declaration which the two latter Governments have agreed to make of a Renunciation on their part of all intention of becoming possessed, under whatever circumstances, and by whatever means, of the Island of Cuba. I would also avail myself of

<sup>1</sup> See above, this part, docs. 2982 and 2984, dated, respectively, June 30 and July 2, 1852.

<sup>2</sup> Notes from Great Britain, vol. 29. Received July 8.

<sup>3</sup> Above, this part, doc. 2974.

<sup>4</sup> See above, this part, p. 459, note 2, concerning the enclosed project.

<sup>5</sup> Above, this volume, pt. I, doc. 2726.

this opportunity to recall your attention to the verbal remarks which, together with the Minister of France, I submitted to Your consideration in support of the Proposal in the conversation which the Count de Sartiges and myself had the honour of holding with you on that subject. Those remarks were, I trust, calculated to place the matter in its true point of view, and to remove any misapprehension which might arise, in whatever Quarter, in regard to the acts or to the Language of any of the three Governments in relation to it.

And first in respect to the Right of Possession and Sovereignty. The Island of Cuba is a Province of Spain by the clearest of all Titles—Discovery and uninterrupted Possession. Spain is determined to preserve Her Dominion over the Province, and the Spanish Subjects, who inhabit it, shew no disposition to sever their Connection with the Mother Country. This Right of Possession cannot be disputed, nor has it been disputed; and it gives me satisfaction to remark that the Government of the United States has, on all occasions, professed its respect for the validity of the Title. It is not consequently the simple acknowledgment of the Validity of this Title which Her Majesty's Government propose by the Declaration which they desire to make simultaneously and in concert with the Governments of the United States and of France. The Object of Her Majesty's Government is to guard against future contingencies, and to put an end to a state of things far from satisfactory as regards the Friendly Relations of Spain with other Powers respecting Cuba, and of great delicacy as it affects the Relations of the Principal Maritime Powers between Themselves.

There is at the present time an evident tendency in the Maritime Commerce of the World to avail itself of the shorter Passages from one Ocean to another offered by the different routes existing or in contemplation across the Isthmus of Central America. The Island of Cuba, of considerable importance in itself, is so placed geographically that the Nation which may possess it, if the Naval Forces of that Nation should be considerable, might either protect or obstruct the commercial routes from one Ocean to the other. Now if the Maritime Powers are on the one hand, out of respect to the Rights of Spain and from a sense of International Duty, bound to dismiss all intention of obtaining possession of Cuba,—so, on the other hand, are they obliged, out of consideration for the Interests of their own Subjects or Citizens, and the Protection of the Commerce of other Nations who are all entitled to the use of the great Highways of Commerce on equal terms, to proclaim and assure as far as in them lies, the present and future neutrality of the Island of Cuba. Great Britain has omitted no opportunity of manifesting in regard to Cuba Her respect for the Sovereign Rights of Spain, and Her disinterestedness in regard to the present and the future political Position of that important Colony. France has by acts of the same nature evinced similar sentiments and views, and the United States themselves have



on several occasions declared that they could not acquiesce in the Cession of Cuba to an European Power. This Declaration of the United States partakes of the same nature as that which Great Britain and France propose to the American Government to embody in an Official Act, with this difference however, that the British and French Governments, while they declare that they would not acquiesce in the Cession of Cuba to any Maritime Power, also declare that they entirely renounce all views upon that Island, both now and hereafter, for themselves. I do not doubt that the Government of the United States is actuated by the same motives, in making its Declaration, which have impelled the British and French Governments to make theirs. The word "European" however, in juxtaposition with the word "Power" might justify on the part of the latter two Governments some doubt as to the signification of the Declaration of the United States; and it might be thought that the United States while, by their Declaration, they exclude other Nations from profiting by the chances of future possible events, have not debarred themselves by that Declaration from availing themselves of such events. Between Powers such as Great Britain, the United States, and France, it could never be intended to give to Political Acts or Language any other meaning than that which those Acts or that Language would clearly convey. A concurrence by the United States in the Joint Declaration the Project of which I had the honour of communicating to you on the 23<sup>d</sup> of April last, would prevent the possibility of the misapprehension to which I have alluded; and the true signification of the Declarations made by England, the United States, and France would thus be exactly defined. It is highly desirable for the reasons which I have given above, that the Question of the future position of Cuba should be definitively determined: and it is desirable that this determination should assure the permanent neutrality of the Island, among others, for the following reasons.

You are no doubt aware that British and French Subjects, as well as the French Government, are, on different accounts, Creditors of Spain for large sums of money. The expense of keeping up an armed force in the Island of Cuba of 25,000 men is heavy, and obstructs the Government of Spain in the efforts which they make to fulfil their pecuniary engagements. By putting an end to the state of apprehension which is the cause of those armaments, we should increase to Spain the means of meeting those engagements. This consideration is no doubt applicable more particularly to Spain, to England and to France. But there are others which apply more generally to the Commercial Interests of all Nations, and especially to the commercial Interests of the United States which are greater than those of any other Nation in Cuba. One of these considerations is, that in the present state of things we cannot reasonably expect Spain to take any measure towards lowering Her Tariff at Havanna,—a Tariff the high rates of which are a subject of complaint in the United States, and this circumstance has, not unfrequently,

been put forward as an excuse for unauthorized aggressions against the Spanish Authorities in the Island. But if by the Guaranty of quiet possession which the proposed Declaration of the Great Maritime Powers would confer, Spain should be enabled to diminish Her Military Force in Cuba, She might probably be induced to relieve Foreign Commerce there from the charges which now press upon it,—and of this Foreign Commerce, as I have already observed, the United States have by far the largest share.

In conclusion, the Project of Convention which I have had the honour of presenting to you, consists of a single Article, and has but two objects in view:—the one a Mutual Renunciation of the future Possession of Cuba,—the other an Engagement to cause this Renunciation to be respected. Both of these objects seem to have been matters which have already attracted the attention of the American Government. Decisive measures indeed for the preservation of the Sovereignty of Cuba to Spain have been contemplated by the Government of the United States on several occasions. Among others at the time when a Report was in circulation (although without foundation) that a Spanish General intended retiring to Cuba and there declaring himself independent of Spain under the Protection of one of the Great Maritime Powers, the Government of the United States did not hesitate to offer to the Spanish Government the assistance of their Forces, both Naval and Military, in resisting any such an attempt.

On the present occasion Great Britain and France do not propose to the United States to do more in concert with them than the United States themselves offered to do alone on the occasion I allude to: for the Project of Convention which I have had the honour of submitting to you, proposes that the Three Contracting Powers should engage Themselves to “discountenance and prevent as far as in them lies” &c. &c. &c. and consequently would not engage any one of the Three Governments to do more than their respective Constitutions may authorize. This will, it is hoped, facilitate the adoption by the Government of the United States of the Project, and enable the Government of the United States, by associating themselves with those of Great Britain and France in this important Declaration, to secure the future tranquillity of the Commerce of the World in those Seas,—to discourage illegal enterprizes against Cuba,—and to draw closer the Bonds of Amity which bind the United States to Great Britain, as well as to France and Spain.

I avail myself [etc.].

2987

[*July 10, 1852.*]

[N.B.—The two communications here reproduced as documents 2987 and 2988, respectively, were received at the Department on July 10, 1852. No covering note from the British Minister at Washington, Mr. Crampton, accompanied them. In the first, dated June 18, 1852, Lord Malmesbury

instructs Mr. Crampton to read and leave a copy of it with the Secretary of State; and in the second, dated July 4, 1852, a reply to the first, Mr. Crampton indicates that he read Lord Malmesbury's communication to the Secretary; but apparently he did not wish to leave a copy of it with him until he had prepared his reply:]

*Lord Malmesbury, British Secretary of State for Foreign Affairs, to John F. Crampton, British Minister to the United States*<sup>1</sup>

No. 62

FOREIGN OFFICE, June 18, 1852.

SIR: I have received and laid before the Queen your despatch N<sup>o</sup> 53. of the 3<sup>rd</sup> of May, inclosing a copy of the conditional Agreement concluded between you and M<sup>r</sup> Webster on the 30<sup>th</sup> April as the proposed basis of a permanent arrangement for settling the various pending questions relative to Central America, and especially to the future disposal of Grey Town, and to the Boundaries between Mosquito, Nicaragua and Costa Rica respectively.<sup>2</sup>

By your subsequent despatch No. 58. of the 17<sup>th</sup> May you inform me that Mess<sup>rs</sup> Wyke and Walsh as Commissioners respectively charged on the part of Great Britain and the United States to submit that project of Agreement to the Gov<sup>ts</sup> of Nicaragua and Costa Rica for their acceptance, had already departed, under Instructions from you and M<sup>r</sup> Webster,<sup>3</sup> for Central America.

Under these circumstances, it may, I fear, be too late to propose the introduction of any material modifications into the project of agreement. Nevertheless, there are some points in that project in which H. M. Gov<sup>t</sup> would deem it of great importance that, if yet practicable, some alterations should be effected.

If I were not conscious of the great difficulties which you must have encountered in inducing the U. S. Gov<sup>t</sup> to enter into any agreement at all by which they should admit the independence of the Mosquitos, whose very existence as a Nation the U. S., as well as the Central American States, have hitherto constantly denied, I should be unable to conceal the regret which I feel that so wide a departure had been omitted from the original project of agreement which was transmitted by you to this office, & which has met with the approbation of H. M. Gov<sup>t</sup>. But I conclude that you found it impossible to obtain the sanction of the U. S. Gov<sup>t</sup> to that project as it stood; and that in order to close, once for all, while yet practicable, a difficult & hazardous question, you preferred to admit less favorable terms rather than to leave that question still open. If such was the case, H. M. Gov<sup>t</sup> could not refuse their assent to the correctness of your decision.

<sup>1</sup> Notes from Great Britain, vol. 29.

<sup>2</sup> For the Webster-Crampton Agreement, signed on April 30, 1852, see above, vol. IV, p. 18, note 4.

<sup>3</sup> For the instructions to Walsh, April 29, 1852, see above, vol. IV, doc. 1012.

The agreement, however, which Messrs Wyke & Walsh are commissioned to submit for acceptance to the Gov<sup>ts</sup> of Nicaragua and Costa Rica, may, not improbably, not be accepted by Nicaragua. It may therefore still be susceptible of amendment, and it would be very essential that, if possible, such modifications should be introduced into it as may correct its imperfections, and render its provisions less liable to become a source of future discussion between the several parties to it. I have therefore to instruct you to exert yourself, if there be yet time, to persuade M<sup>r</sup> Webster to admit in it such alterations as I will now proceed to point out.

In the first place, it will be necessary to define & describe more clearly the future Boundaries of the Mosquito Country, so as to admit of no possible mistake. In different maps which exist of Central America the same rivers are differently designated, and especially the Segovia river which forms so essential a feature in the line of boundary for Mosquito as laid down in Art. 1. of the Project of Agreement. In Bailey's Map, which is specifically cited in that article as an authority for the longitude & latitude in one given point, the river Segovia is termed "Escondido or Segovia," while the river Wanx is laid down as a totally different river, far to the Northward. But in Wyld's map, and in other maps of Central America, the Segovia river is laid down as it is designated and evidently intended in Article 1. of the Project of Agreement, namely as "the Segovia or Wanx," and has its mouth in the Caribbean Sea at Cape Gracias á Dios. The words "at Cape Gracias á Dios" should therefore be inserted in the article after the words "Caribbean Sea,"—and thus all possible mistake will be avoided. In the next place, the term "all the rest & remainder &c" in the same article should be modified and tempered by the addition, after the words "including Greytown," of the words "and to the northward of the river San Juan." Otherwise, Nicaragua would have the power of claiming an extent of Territory as far South as Boca del Toro; for the whole of the district from the S. Juan river to the Boca del Toro has been at one time or another either possessed or claimed by the Mosquitos. No misapprehension should be allowed to exist on this point. Otherwise, dissensions will be liable to arise hereafter between the states of Nicaragua & Costa Rica.

Again, if it be intended by the indefinite expressions *Southerly* or *Westerly*, used in the same article of the Project of Agreement, to include, in the cession of lands by Mosquito to Nicaragua, all the Territory to the *North westward* of the river "Segovia or Wanx," I must observe that the state of Honduras has constantly laid claim to a considerable portion of that Territory. Consequently, if by the agreement now under discussion, Great Britain and the U<sup>d</sup> States made themselves parties to the formal cession to Nicaragua of the whole of that district, they would virtually interfere with the assumed rights of Honduras. Now, the parties to the agreement may undoubtedly settle between themselves any point in which their own rights or claims, respec-

tively, are alone concerned; but they have no right to take upon themselves to determine points in which the rights or claims of third Parties are affected. And, moreover, if they did so interfere in this case they might involve themselves in much eventual difficulty in the very probable case of a quarrel arising out of the agreement between Nicaragua and Honduras.

The great object of Great Britain & the U<sup>d</sup>. States in making themselves parties to an agreement for settling the position of the several states of Central America, must assuredly be so to determine all Territorial points as to leave no loophole for future dissension between any of the Parties to the agreement. You will therefore exert yourself to induce the U. S. Gov<sup>t</sup> to agree to the introduction of such a modification of Article 1. in this particular as will correct the defects above pointed out.

There is another point in the same article, of which, as it nearly affects British interests and credit, it will be still more necessary that you should, if possible, procure a modification. I allude to the concluding part of that Article touching grants of land made by the Mosquito Gov<sup>t</sup> within the limits of the Territory heretofore possessed or claimed by them. Now, the Territory to the North Westward of the river Segovia or Wanx includes the locality of the well-known Poyais, or Black river, grant made by the Mosquito King George Frederick in 1820 to General McGregor; which cession led to the speculation so notorious under the title of Poyais bonds.

Great numbers of British subjects have been, and still are, deeply interested in this grant; and H. M. Gov<sup>t</sup> could not properly lend themselves to such a summary abandonment of British rights, however questionable the said grants may in some particulars be, as would be involved in an unconditional transfer to Nicaragua, or any other state, of the District in which the Black River Lands are situate.

H. M. Gov<sup>t</sup> must therefore strenuously press for such a modification, in this particular, of Art. 1. of the Project of Agreement as shall reserve to British subjects all the rights to which, after a fair and full investigation, [they?] may be found entitled by virtue of bona fide grants of land made *at any time* by the Mosquito Gov<sup>t</sup> during the period that the Mosquitos held or claimed possession of the Territory in question.

With the exception of this point, which directly affects British subjects & interests, the modifications above proposed in the 1<sup>st</sup> Article of the Project of Agreement have no immediate reference to G<sup>t</sup> Britain: but have for their sole objects, first to secure the future welfare of the Mosquitos, whom Great Britain has so long protected, and cannot now with honour or decency abandon, and, secondly, to ensure the future peace of Central America.

There is however yet another Provision in the 1<sup>st</sup> Art. of the Project of Agreement of which, as it now stands, I do not comprehend the exact scope and compass, and on which therefore I should wish for further explanation. I allude to the provision for determining the mode & scale of compensation

assigned to the Mosquitos in return for their relinquishment of Greytown to Nicaragua.

That compensation is allotted on the duties to be levied in Greytown on goods which may be imported into Nicaragua by the Port of Greytown for three years from the date of its actual cession to Nicaragua; & the scale of compensation is fixed at ten per cent ad valorem of the total amount of the goods so imported.

Greytown is however at this moment virtually a free Port, and it has moreover been agreed by G<sup>t</sup> Britain and the U<sup>d</sup> States in the Convention of Washington of April 19. 1850—Art. 4—that the Ports at each end of the projected Ship Canal shall be free; Greytown being the Port at the Eastern end of the Canal.

I do not therefore apprehend that there can have been any intention on the part of M<sup>r</sup> Webster or yourself of sanctioning any interference with the freedom of the Port of Greytown; and I rather understand the article, as it stands, to mean that no duties are to be levied on goods entering the Port of Greytown; but that on all goods imported into that Town, & leaving it for the State of Nicaragua, a duty of ten per cent ad valorem is to be levied for a period of three years from the date of the cession of the Port and Place to Nicaragua,—that amount to be paid directly to the agent of the Mosquitos.

If my understanding of the article be correct, in that case either the wording should be so altered as to express that intent more clearly, or a declaration should, on your finally signing the Convention to be formed on the basis of the agreement, be delivered in by you, stating in distinct and unmistakeable terms the sense in which H. M. Gov<sup>t</sup> understand & assent to the provision relative to the compensation to be made to Mosquito in return for the cession of Greytown to Nicaragua.

It is unnecessary for me to observe that that compensation must be real, and not merely nominal. The credit of Great Britain would not bear any doubt upon this point.

H. M. Gov<sup>t</sup> are unwilling to anticipate that you will meet with any serious difficulty in procuring the admission of the above-mentioned alteration into the Draft of Agreement. Great Britain and the U. States in combining their exertions for the permanent settlement of the intricate & difficult questions which directly affect Central America, and indirectly their own mutual relations between themselves, can be animated by but one feeling, namely, the desire to extend the general commerce of the World, for the benefit as well of their own countries as of that vast and fertile region of America which is still practically almost shut out from the world, but which will shortly be opened by means of that grand line of interoceanic communication which is about to be formed by the enterprize of individuals of the U<sup>d</sup> States.

Whatever casual differences may have heretofore existed between G<sup>t</sup> Britain and the U<sup>d</sup> States with reference to Central America may be con-

sidered as entirely removed by the Convention of Washington of April 1850, which has virtually identified the interests of both Countries. Their Gov<sup>ts</sup> and people may henceforward be actuated by a generous rivalry in helping forward in the path of civilization the yet unadvanced Nations of Central America; but no National jealousy can any longer interfere to mar the course or the points of their united exertions. H. M. Gov<sup>t</sup> are persuaded that the U. S. Gov<sup>t</sup> will concur in this wide & disinterested view of the duties & interests of both Countries, and of the manner in which the question yet at issue ought therefore to be treated between the two Gov<sup>ts</sup>, and, under this conviction, H. M. Gov<sup>t</sup> entertain little doubt that, aided by the hearty concurrence of M<sup>r</sup> Webster, you will be enabled to bring to a successful and satisfactory conclusion the remaining portions of this question which they place with confidence in your hands.

You will read this Despatch to M<sup>r</sup> Webster, and leave a copy of it with him.

I have [etc.].

2988

[July 10, 1852—See headnote to document 2987.]

*John F. Crampton, British Minister to the United States, to Lord Malmesbury, British Secretary of State for Foreign Affairs*<sup>1</sup>

No. 88

WASHINGTON, July 4, 1852.

MY LORD: I lost no time in reading to M<sup>r</sup> Webster Your Lordship's despatch N<sup>o</sup> 62. of the 18<sup>th</sup> ult<sup>o</sup> <sup>2</sup> in which Y. L. states what alterations appear to H. M. Gov<sup>t</sup> to be desirable in the Project of arrangement for settling the various pending questions relative to Central America, and especially to the future disposal of Greytown, and the boundaries between Mosquito, Nicaragua & Costa Rica respectively, a copy of which Project of arrangement <sup>3</sup> I had the honour of transmitting to Y. L. with my despatch No. 53. of May 3. last.

M<sup>r</sup> Webster and myself have examined carefully the different points to which Y. L. has directed my attention, and I have much satisfaction in stating that I have found no difficulty in inducing the Gov<sup>t</sup> of the U. States to adopt the modifications proposed by H. M. Gov<sup>t</sup> or indeed any other alterations which would serve to give clearness & precision to the provisions of the Project of Agreement, and would render it conformable to the views of H. M. Gov<sup>t</sup>.

It appears to us upon a comparison of the remarks contained in Y. L.'s despatch and the articles of the Project of Agreement that the views of H. M.

<sup>1</sup> Notes from Great Britain, vol. 29.

<sup>2</sup> See document 2987.

<sup>3</sup> This project, called the Webster-Crampton Agreement, signed on April 30, 1852, is above, vol. iv, p. 18, note 4.

Gov<sup>t</sup> & those of the U. S. Gov<sup>t</sup> in reality coincide in regard to the points in question, and that it is to some unintentional obscurity or ambiguity in the wording of those articles that the objections of H. M. Gov<sup>t</sup> are to be attributed; for it was not intended by any change which has been made in that wording to alter the provisions of the original project of agreement which had met with the approbation of H. M. Gov<sup>t</sup> in any essential particular, either with regard to the boundaries of the Mosquito Territory, or to the principle deemed essential by the U. States Gov<sup>t</sup> as well as by H. M. Gov<sup>t</sup> of the freedom of the Port of Greytown. M<sup>r</sup> Webster said that he regretted that the wording of the articles in regard to these points had been found inadequate to convey to H. M. Gov<sup>t</sup> the meaning of the terms of the Project of Agreement, as he, as well as myself, had understood them; but expressed himself ready to adopt any alterations which might be found necessary to prevent misapprehension in regard to them or remove from them any ambiguity, and this appeared to him to be a matter of little difficulty.

I will now touch upon the different points in regard to which H. M. Gov<sup>t</sup> desire that alterations should be made in the Project of agreement, stating in what manner it is proposed to meet each case, and endeavouring to shew the source from which the apparent discrepancy of the present wording with the intended meaning has arisen.

The modifications desired by H. M. Gov<sup>t</sup> regard four points: viz.

1<sup>st</sup> The definition contained in the 1<sup>st</sup> Art. of the Project of agreement of the Boundary of the Territory reserved for the Mosquito Indians—

2<sup>nd</sup> The words in the same article "all the rest & remainder," which, unless qualified, might, it is apprehended, give rise to a claim by Nicaragua to territory *south* of the river S. Juan as far as Boca del Toro—

3<sup>rd</sup> The indefinite expressions "southerly & westerly" in the same article which, it appears to H. M. Gov<sup>t</sup> might be held to include the cession by Mosquito to Nicaragua of all the Territory north westward of the Wanx; territory a great part of which is claimed by Honduras, thereby interfering with the rights of British subjects in that Territory, especially in regard to the grant of the Mosquito King George Frederick in 1820. to General M<sup>r</sup>Gregor which cession led to the speculation so notorious under the title of Poyais Bonds.

4<sup>th</sup> The provision in the 1<sup>st</sup> Art. of the Project of agreement which determines the mode & scale of compensation assigned to the Mosquitoes for the relinquishment of Greytown to Nicaragua which would seem, if not more clearly expressed, to be incompatible with the freedom of the Port of Greytown.

With regard to the first of these points, viz the name of the river forming the northern boundary of the territory reserved for the Mosquito Indians, the river intended to be designated is the Wanx, as laid down in Bailey's Map, and not the Segovia as laid down in that map. The insertion of the



words "at Cape Gracias á Dios," after the words "Caribbean Sea" will therefore in M<sup>r</sup> Webster's opinion be quite proper, & obviate any mistake on that point. The error in this respect arose from the circumstance of Bailey's map of Central America having been used in drawing up this article, where the word Wanx alone was used to designate the river in question. But the President of the U. States in looking over the project, happening to have a map before him by another author on which the river was marked "Wanx or Segovia," & not suspecting any discrepancy between the two maps, added the word "Segovia," which was inserted when the Draft was copied out for signature, and the addition escaped the attention both of M<sup>r</sup> Webster & myself.

With regard to the 2<sup>nd</sup> point viz the possibility of a claim on the part of Nicaragua to territory south of Greytown as far as Boca del Toro in virtue of the words "all the rest & remainder of the Territory southerly & westerly of the said reservation heretofore occupied or claimed by the said Mosquitos," the U. S. Gov<sup>t</sup> has no objection to the insertion, after the words "including Greytown," of the words "to the northward of the S. Juan." This addition will certainly remove the possibility of any doubt on the point in question. The introduction of the words, however, had not, on drawing up the article, been thought necessary, for two reasons—

1<sup>st</sup> By another art. of the Project of agreement it is stipulated that the Territory south of the S. Juan (or rather south of its southernmost branch called the Colorado) was to belong to Costa Rica which would bar any claim to it by Nicaragua,—and,

2<sup>ndly</sup> from the impression we were under that the Territory claimed by the Mosquitos did not extend south of the S. Juan, that limit having been assigned to it in the instruction addressed by Visc<sup>t</sup> Palmerston to H. M. Consul General in Central America in His Lordship's despatch of June 30. 1847.

The third point in regard to which H. M. Gov<sup>t</sup> desires a modification of the Project of agreement regards that part of the Territory of the Mosquitos north of the Wanx claimed by Honduras. It was not the intention of either M<sup>r</sup> Webster or myself that the Treaty which we had in contemplation should have any reference whatever to Honduras or to the conflicting claim which might exist as to Territory between that State & the Mosquito Indians. All that was meant was to provide for the arrangement of the question in regard to territory between Mosquito & Nicaragua. Now, the river Wanx is mutually acknowledged by Honduras & Nicaragua to be the Boundary between those States—Consequently in adopting that river as the Northern Boundary of the Mosquito reserve, it was conceived that the provisions of the Treaty could in no way refer to Honduras, and would leave the question of boundary between her & Mosquito untouched. For the same reasons, the expressions "southerly" & "westerly" in the same article of the Project were considered by us as applicable to the southern & western parts of Nicaragua only, it

being always supposed that Nicaragua had a recognized Boundary as regarded Honduras, & Costa Rica, & that Honduras, being no party to the Treaty, could not be affected in any way by an arrangement between Mosquito and Nicaragua of rights or limits with regard to which they might be at issue. We did not think it necessary to mention this in the project of agreement; but M<sup>r</sup> Webster has no objection whatever to the insertion in the Treaty of an article by which it shall be distinctly stated that the arrangement has no relation to any question of limits or rights which may exist between Honduras & the Mosquitos. The insertion of such an article will, it is evident, remove the possibility of any future misapprehension in regard to this point, & thus obviate the necessity of any provision or declaration in regard to the grant alluded to by Y<sup>r</sup> Ldp on the Black River or Poyais to which from its position within the limits of Honduras, as these limits are acknowledged by Nicaragua herself, Nicaragua could not advance any claim. The fourth point in regard to which Your Ldp wishes further explanation, & is desirous that the Treaty should be more explicitly worded, is the provision for the mode & scale of compensation assigned to the Mosquitos for the relinquishment of Greytown to Nicaragua. That compensation is allotted on duties levied at Greytown on goods which may be imported into Nicaragua for three years from the date of its actual cession to Nicaragua; & the scale of compensation is fixed at 10. p<sup>r</sup> cent ad valorem of the total amount of the goods imported. Your Lordship remarks that you understand the article as it stands to mean that no duties are to be levied on goods entering the Port of Greytown, but that on all goods imported into that Town & leaving it for the state of Nicaragua a duty of 10%. ad val. is to be levied for a period of three years from the date of the cession of the Port to Nicaragua, that amount to be paid directly to the Agent of the Mosquitos. This certainly is the understanding both of M<sup>r</sup> Webster & myself of the article & he entertains no objection to the insertion of any words which may render it clear that it is so, or even to the insertion of a separate article in regard to the freedom of the Port of Greytown—a point considered by the U. S. Gov<sup>t</sup> of great importance, & already stipulated between the two Gov<sup>ts</sup> by the Treaty signed at Washington on April 19—1850—Art. 4. M<sup>r</sup> Webster had however thought that the words of the 2<sup>nd</sup> Art. of the Project of Agreement in regard to the Port of Greytown had sufficiently secured this point—viz: the words—

The municipal & public authority in the town of Greytown shall be held & exercised by the Gov<sup>t</sup> of Nicaragua, but said Gov<sup>t</sup> shall levy no duties of tonnage or any duties of import on goods imported into Greytown intended for transit across the Isthmus or for consumption in any other State than that of Nicaragua, except such tonnage duty as may be necessary for the preservation of the Port and Harbour & the erection & Maintenance of the necessary light houses and beacons, and no duty for this or similar purposes shall exceed, say 12<sup>cts</sup> p<sup>r</sup> ton on each vessel.

With regard to the compensation to be made by Nicaragua to the Mosquitos for the relinquishment of Greytown, I have invariably stated to all the parties concerned that the *reality* of this compensation is considered to be a *sine qua non* by H. M. Gov<sup>t</sup>. I have, however, still reserved the actual amount of the compensation for consideration, from the difficulty I have experienced in obtaining any reliable information as to the value of the cession, & as to the ability of Nicaragua to meet any engagement she might make in this respect.

The above comprize the points in regard to which H. M. Gov<sup>t</sup> are desirous that alterations should be made in the provision of the Project of agreement; and care will be taken that when the Treaty, of which the Project of agreement is only to be considered as the rough sketch, shall come to be drawn up, it shall be done in such a manner as to preclude the possibility of misapprehension.

It would no doubt be impracticable now to introduce these modifications into the Project of agreement which has by this time been submitted to the Gov<sup>ts</sup> of Costa Rica & Nicaragua; but I am enabled to assure Your Ldp. that the British & American Commissioners who are charged with making the proposed terms to those Gov<sup>ts</sup> understand them in the same sense as M<sup>r</sup> Webster and myself.

In the correctness & propriety of the concluding remarks of Y. L.'s despatch M<sup>r</sup> Webster entirely concurred, and expressed himself as sincerely desirous to terminate this matter in a manner which would be satisfactory to H. M. Gov<sup>t</sup>.

I have read my present despatch to M<sup>r</sup> Webster who authorizes me to state to your Lordship that it contains a perfectly correct account of what passed between us in regard to this question.

I have [etc.].

2989

*Lord Malmesbury, British Secretary of State for Foreign Affairs, to Abbott Lawrence, United States Minister to Great Britain*<sup>1</sup>

Immediate.

FOREIGN OFFICE, July 16, 1852.

SIR: In compliance with the suggestion contained in your letter of the 16<sup>th</sup> ultimo<sup>2</sup> that Engineers possessing well known skill and experience should be appointed on the part of Her Majesty's Government to examine the Report of Colonel Childs on the Ship Canal to be constructed through the Nicaraguan territory from the Atlantic to the Pacific Ocean, that Report having been already examined and approved by Colonels Abert and Turn-

<sup>1</sup> Despatches, Great Britain, vol. 63; enclosure with Lawrence to the Secretary of State, No. 198, August 13, 1852, below, this part, doc. 2991.

<sup>2</sup> Above, this part, doc. 2980.

bull, two distinguished Officers of the Topographical Engineers of the United States, I have the honor to inform you that Lieut. Col. Aldrich of the Royal Engineers and Mr. James Walker, an eminent Civil Engineer, were accordingly requested by me to perform that duty.

Those gentlemen readily assented to that request; and I have now the honor to transmit to you their Report,<sup>1</sup> accompanied by Four Inclosures, upon the Papers submitted to their inspection, being the documents which were inclosed in your letter of the 21<sup>st</sup> of June.<sup>2</sup>

I have the honor [etc.].

2990

*Abbott Lawrence, United States Minister to Great Britain, to Lord Malmesbury, British Secretary of State for Foreign Affairs*<sup>3</sup>

LONDON, July 17, 1852.

MY LORD: I have the honor to acknowledge the receipt of Your Lordship's letter of the 16<sup>th</sup> <sup>4</sup> enclosing the Report of Lieut. Col. Aldrich and Mr. James Walker upon Col. Child's Report on the Ship Canal to be constructed through the Nicaraguan Territory from the Atlantic to the Pacific Ocean, and I beg Your Lordship to accept my thanks for the great promptness with which you have complied with my request in this matter.

I have the honor [etc.].

2991

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>5</sup>

No. 198

LONDON, August 13, 1852.

SIR: I have the honor to enclose a further correspondence between Lord Malmesbury and myself relative to Col. Child's Report upon the Ship Canal between the Atlantic and Pacific Oceans by way of Lake Nicaragua.<sup>6</sup> Lieut. Col. Aldrich and Mr. Walker, the Engineers appointed by Lord Malmesbury to examine the Report made by Col. Childs have reported that the project in the line projected by Col. Childs is practicable; that the survey made by him has every appearance of accuracy; that the works are generally sufficient for the purpose they are intended to answer; and that the estimates upon the

<sup>1</sup> This printed report, twelve pages in length, is not included in this publication.

<sup>2</sup> No note from Lawrence to Lord Malmesbury of this date was found.

<sup>3</sup> Despatches, Great Britain, vol. 63; enclosure with Lawrence to the Secretary of State, No. 198, August 13, 1852, below, this part, doc. 2991.

<sup>4</sup> Above, this part, doc. 2989. The enclosure with it, mentioned below in this note, is not included in this publication.

<sup>5</sup> Despatches, Great Britain, vol. 63. Received August 27.

<sup>6</sup> Above, this part, July 16 and 17, 1852, docs. 2989 and 2990.

present value of money are adequate. The British Capitalists have the matter now under consideration. I have delayed sending you this correspondence, hoping to give you their decision with it.

I have the honor [etc.].

2992

*Abbott Lawrence, United States Minister to Great Britain, to Daniel Webster, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 206

LONDON, September 30, 1852.

SIR: M<sup>r</sup> Ingersoll having arrived in London, I shall today transmit my final accounts to the Department, and close my active connection with this Mission. The Queen being in Scotland, I have not yet presented my letter of Recall, but wait only to know her pleasure in regard to it.

When you entered upon the duties of your present office, I addressed you at length, in my Despatch N<sup>o</sup> 71,<sup>2</sup> respecting the business pending in this Legation. The termination of my official connection with the Government seems to me a fit time for a similar review: and it may perhaps aid the Department in its instructions to my successor.

The first and most important matters referred to in that Despatch are the Negotiations relative to Central America, respecting which there has been little done in this Legation since its date. When I came to London I was charged by the President to ascertain the views of the British Government on that question. They were unknown at Washington, except so far as reported by M<sup>r</sup> Rives, who had been instructed, on his way to Paris, to see Lord Palmerston. But they were supposed to be contrary to those entertained by the President and his advisers. I found Lord Palmerston still in error as to the policy of the United States, notwithstanding the assurances of M<sup>r</sup> Rives, and, at length, after frequent and frank interviews with him, and after the interchange of several letters on this subject, on the 14<sup>th</sup> of December 1849, I addressed an official Note to him,<sup>3</sup> suggesting a plan of settlement of the whole question, which received the full approval of the President, and, though never officially replied to, was made the basis of the subsequent adjustment. The negotiations were soon after transferred to Washington, where the presence of M<sup>r</sup> Molina and of M<sup>r</sup> Marcoleta made it more easy to conduct them. Since then, with the exception of the proposition of Mess<sup>rs</sup> Fox and Henderson for a joint survey of the Escoces route,<sup>4</sup> the correspondence relative to Col. Child's survey,<sup>5</sup> and that relative to the outrage on the "Prometheus,"<sup>6</sup> I am not aware that anything of importance on this subject has been sent to this Legation from the Department. I have endeavored to

<sup>1</sup> Despatches, Great Britain, vol. 63. Received October 18.

<sup>2</sup> Above, this part, August 16, 1850, doc. 2922.

<sup>3</sup> Above, this part, doc. 2887.

<sup>4</sup> Above, this part, *passim*.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

attend promptly to all things connected with this, entrusted to me, and have from time to time communicated to the Department such information as has come to me, all of which I hope has been regularly received. . . .<sup>1</sup>

I have endeavored on one or two occasions to put you in possession of the views of this Government relative to Cuban affairs. I should have been glad to have been kept in like manner acquainted with the Negotiations at Washington on this subject. It is an inconvenience to a minister to be without information on important political questions with which he is presumed to be kept acquainted, and to be forced to rely for such information upon the Government to which he is accredited. . . .<sup>2</sup>

I am not aware that anything remains to be done through this Legation with reference to the action of the United States upon the questions of the La Plata country.<sup>3</sup> Your answer of the 10<sup>th</sup> of July<sup>4</sup> was decisive in the matter. But for some weeks before its receipt, I was placed in an awkward position for the want of intelligence of anything more than the receipt of my despatches on the subject.

The claim of Peru to sovereignty over the Lobos Islands was, at the request of the Chargé d'affaires of that Country at this Court, laid before you in my despatch N° 194,<sup>5</sup> together with the Parliamentary and Documentary Papers accompanying it,<sup>6</sup> of all of which the receipt has not been acknowledged.<sup>7</sup>

2993

[February 3, 1853.]

[N.B.—In the manuscript volume there is no record of the date when the two communications printed here as documents 2993 and 2994, from Lord John Russell to Mr. Crampton, were read to the Secretary of State and copies left with him in compliance with the instructions contained in the first of the two documents; but, allowing fifteen days for them to be received at the British Legation and transmitted to the Department, February 3, 1853, is suggested as the approximate date of their receipt.]

*John Russell, British Secretary of State for Foreign Affairs, to John F. Crampton, British Minister to the United States*<sup>8</sup>

Confidential.

FOREIGN OFFICE, January 19, 1853.

SIR: By my Despatch N° 6 of this day's date,<sup>9</sup> you will see that it is the object of H. M.'s Gov<sup>t</sup> to make Mosquito a reality instead of a fiction, which

<sup>1</sup> The omitted portion relates to a postal convention and other matters not pertinent to this publication.

<sup>2</sup> The omitted portion relates to claims and an extradition treaty.

<sup>3</sup> See Lawrence's despatches on this subject, above, this part, dated March 22, March 26, April 7, 16, and 30, 1852, docs. 2965, 2966, 2970, 2973, and 2976.

<sup>4</sup> Above, this volume, pt. 1, doc. 2730.

<sup>5</sup> Above, this part, July 2, 1852, doc. 2985.

<sup>6</sup> The only document found with that despatch was a note from the Peruvian chargé d'affaires in London to Lawrence, which is above, this part, p. 467, note 4.

<sup>7</sup> The remainder of the document is not pertinent to this publication.

<sup>8</sup> Notes from Great Britain, vol. 30.

<sup>9</sup> See below, doc. 2994.

it has hitherto been, and provided we save our honor & credit in our treatment of the King of that country, whose title & power are, in truth, little more than nominal, it is a matter of comparative indifference to us how this object is carried out, whether by constituting Grey Town as the head & pivot of the new territorial establishment which we desire to see formed, or by any other liberal and practical arrangement which may be thought preferable, on discussing the matter with the United States.

H. M. Gov<sup>t</sup> consider that so large & fertile a country as the extensive region denominated the Mosquito territory, a region extending from the River Roman [*sic*] on the North to the River San Juan de Nicaragua on the South, & whose Western Boundary is also of vast, though undefined extent ought no longer to be allowed to lie waste, with thirty or forty thousand wandering Indians forming its only native population & a few hundred Foreigners of various races located, for the purpose of commerce, at different points along its extended line of sea coast. Neither would it consist with our notions of expediency that such States as Nicaragua, Honduras, or even Costa Rica should obtain possession of the Mosquito Territory.

These petty states are but little advanced in the arts of civilized life; have little appreciation of the high value of commercial intercourse as the great medium of civilization & freedom, as well as of national & individual wealth; have but rude notions of the paramount importance of impartial administration of justice, and afford by their proceedings since they attained to independence but little proof of their power of self government, or even of that of preserving peace with each other.

While Grey Town was virtually a possession, & Mosquito a dependency of Great Britain, it was not unnatural that the U. S. should have looked upon such a state of things with jealousy & aversion, and should have thrown their weight into the scale of Nicaragua, which contested with Great Britain the right both to Grey Town, & to Mosquito. But those circumstances exist no longer. The Treaty of April 1850 has entirely changed the future, if not the present position of Great Britain with respect to Grey Town and to Mosquito, & indeed to the whole of Central America; and the great question now to be solved is how to turn the Mosquito Country to the best account, not merely for the benefit of G<sup>t</sup> Britain or of the U. S., but for the benefit of the whole world.

It will be advisable that you should, without the least reserve, explain these views to M<sup>r</sup> Everett & to the President, & that you sh<sup>d</sup> at the same time state clearly to them that it appears to H. M. Gov<sup>t</sup> that the greatest advantage cannot fail to result to the general cause of civilization in Central America from the maintenance of a perfect understanding & union between G<sup>t</sup> Britain & the U. S.—

The President of the United States will readily understand that it is indispensable for the honour of Great Britain that the King or Chief of Mos-

quito, his family & his people, should be literally & permanently provided for. This object could not be accomplished either by a cession of his territory to one of the South American States, or by leaving him the prey of adventurers, who use his name & authority for the purpose of stripping him of his land.

But provided this essential point be secured by such means as may be agreed upon, H. M. Gov<sup>t</sup> will have no objection to enter into arrangements, either by convention or otherwise with the U. S., both for insuring the more rapid settlement & colonization of the territory in question, & for establishing its future administration.—

Once established the new State will be independent both of G<sup>t</sup> Britain & the U. S. In no very long time it will probably have the means to defend itself without assistance from either Power.

You may read this Desp<sup>h</sup> to Mr Everett, & if he wishes to communicate it to the President you may give him a copy of it.

I am [etc.].

## 2994

[February 3, 1853—See headnote to document 2993.]

*John Russell, British Secretary of State for Foreign Affairs, to John F. Crampton, British Minister to the United States*<sup>1</sup>

FOREIGN OFFICE, January 19, 1853.

SIR: In treating of the Affairs of Mosquito, I must, in the first place, refer you to a despatch of Lord Malmesbury of the 16<sup>th</sup> of July 1852 upon this subject.

It is evident that since Great Britain first assured the protection and defence of the Mosquito Indians, the position of all Parties has changed.

First, Spain, instead of exercising absolute sovereignty over Central America, and prohibiting all commerce on the Coasts under Her sway, has entirely lost Her dominion over the continent from Cape Horn to Florida.

Secondly, the Mosquito Indians, instead of governing their own Tribe according to their own Customs, furnish a Name and Title to Europeans and Americans who carry on Trade at Grey Town and along the Coast of Mosquito according to the usages of civilized Nations.

Thirdly, Great Britain, instead of having an interest in the defence of the Mosquito Indians, for the sake of rescuing part of the Territory of Central America from Spanish Controul, and obtaining an outlet for Her Commerce, has no other interest in Mosquito than that which is derived from an honourable regard for Her old connexion with the Indian Nation of Mosquito.

Her Majesty's Government has for several years endeavoured to suit Her engagements to the altered circumstances of the case; but every proposal

<sup>1</sup> Notes from Great Britain, vol. 30.



that has been made with this view has encountered some insuperable obstacle. The contentions in Central America between Nicaragua, Costa Rica and Honduras, the absence of any authority with which any permanent agreement could be made, unfounded jealousies of Great Britain, and various other circumstances, have prevented a settlement of this vexatious question.

In conformity with the opinion stated in Lord Malmesbury's despatch of July 16<sup>th</sup>, to which I have already referred you, I have to state that the Committee of Government of Grey Town are, in fact, the real power which exercises authority in that part of Central America. To Her Majesty's Government it would be a matter of indifference whether that authority was exercised in the name of the King of Mosquito or in the name of Grey Town itself: but it is desirable that what is apparent should be made to conform, as far as possible, with what is real. What is apparent is that the King of Mosquito exercises Sovereignty over Grey Town; what is real is that he has no authority there whatever, but that a Committee of Europeans and Americans carry on the Government at that Port.

What Her Majesty's Gov<sup>t</sup> therefore would consider a good and final arrangement would be:

First, that Grey Town should be a Free and Independent Port, connected with Mosquito by such Relations of friendship and Alliance as may be agreed upon.

Secondly, that indemnification, or advantages equivalent to those laid down in the Project of Convention of the 30<sup>th</sup> of April 1852<sup>1</sup> shall be assured to Mosquito, in return for its withdrawal from its present position in regard to Grey Town.

Thirdly, that Great Britain and the United States, without guaranteeing Grey Town, should be ready to act in concert to defend the Independence of the Free City or Port of Grey Town from whatever quarter it might be attacked.

What is essential, and of immediate importance, is that the Authorities of Grey Town should be ready to assure either unqualified independence, with an engagement to defend Mosquito, or a qualified Independence, owing allegiance and support to Mosquito.

For this purpose, some person qualified to treat should proceed at once to Grey Town; whether a Naval Officer of Her Majesty or a Civilian would be the fittest person to be entrusted with this Mission I must leave to you to decide.

It would be desirable, if the Government of the United States should concur in these views, that a new Convention, in the place of the unaccepted Project of Agreement of April 1852, should be proposed and concluded; and that a Person similarly qualified should be sent by that Government at the same time and for the same object.

<sup>1</sup> Above, vol. IV, p. 18, note 4.

I have only further to say that the Indemnity to Mosquito might possibly not be made in money, but in greater security for a certain fixed Territory within which the free port of Grey Town, assisted by Her Majesty's Ships of War, might manage to defend the Mosquito Nation.

The Governor General of Canada, and the Authorities in other of Her Majesty's North American Possessions, have made from time to time agreements somewhat similar. The President of the United States has frequently made Conventions with Indians to the like effect.

The peculiarity of this case is that certain neighboring States deny altogether the Independence of Mosquito, and the Mosquito Nation are liable every day to new incursions upon their Territory. We can make no complete provision against this danger. Our policy is to do all that honour and humanity require in behalf of the Mosquito Nation; but we intend to adhere strictly to the Treaty of Washington of the 19<sup>th</sup> of April 1850, and not to assume any Sovereignty, either direct or indirect, in Central America.<sup>1</sup>

I am [etc.].

2995

*Joseph R. Ingersoll, United States Minister to Great Britain, to Edward Everett, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 21

LONDON, February 4, 1853.

Attempts have been made here to form a Company to cut a canal for the largest ships across the Isthmus of Darien between Port Escoces on the Atlantic and San Miguel on the Pacific. An engineer was sent out to ascertain the practicability of the enterprize and a favorable report has been made on his return. Our country is interested in the general object—more so, perhaps, than any other. It does not appear, however, that the present attempt finds favor with the capitalists who are especially interested in the prosperity of the United States. Such persons have not been induced to unite in the projected plan.

<sup>1</sup> The Secretary of State presumably wrote the following marginal note on this document: "Mr. Crampton authorized me to communicate the substance of this to Congress in any way I thought proper."

<sup>2</sup> Despatches, Great Britain, vol. 64. Received February 21.

The portions omitted at the beginning and end of this despatch relate to claims and consular matters.

2996

*John F. Crampton, British Minister to the United States, to Edward Everett, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, February 9, 1853.

SIR: It has been intimated to Her Majesty's Government by the Nicaraguan Minister at Washington, who is also accredited to Her Majesty's Government, that the American Company which was formed for the purpose of constructing an interoceanic Canal across the Isthmus of Nicaragua having found it impossible to carry out the Plan as originally contemplated, has resolved to propose to the Government of Nicaragua a modification of that Plan with the view of constructing a Canal of smaller dimensions than those specified in their Contract: and Mons<sup>r</sup> Marcoleta therefore asks whether the Maritime Powers would be disposed to protect and guarantee the Neutrality of a Canal of this description in the same manner as they were disposed with regard to the Ship Canal originally contracted for.

Her Majesty's Government are of opinion that before any further steps can properly be taken in this matter, it must be first ascertained whether the assertion respecting the incompetency of the American Company to carry out the original plan is correct; and, if it is correct, it would be then, in their opinion, necessary to ascertain with accuracy what the present intentions of the Company are, and what precisely are the proposals which they have made to the Nicaraguan Government.

It is with this view that I now beg to address you, Sir, and to enquire whether the Company has made any intimation to the Government of the United States of the supposed change in their intentions; or whether your Department is otherwise in possession of any information in regard to this matter; for if the Company should prove unable to fulfil the engagements contracted by them with the Government of Nicaragua for the construction of such a Ship Canal, Her Majesty's Government would of course feel themselves at liberty, under the 7<sup>th</sup> Article of the Treaty of Washington of 19<sup>th</sup> April 1850, to withdraw their protection from that Company, and to transfer it to any other Company which should undertake to construct such a Canal.

I am instructed, in addressing you on this subject, to express the deep regret [with] which Her Majesty's Government would have learned the failure of the great Project, for the effectual execution of which the Convention of April 1850 between Great Britain and the United States was mainly entered into, and to observe that Her Majesty's Government could not undertake to guarantee the neutrality of any interoceanic Canal across the Isthmus which, in its character and dimensions, failed to answer to the essential designation of *Ship* Canal employed in the Convention of 1850.

<sup>1</sup> Notes from Great Britain, vol. 30. Received February 9.

Her Majesty's Government have been ever sincerely desirous to contribute to the speedy and effectual construction of a great interoceanic Canal by the line of the S<sup>t</sup> John which should open a line of communication, across the Isthmus, to the Trade of the Whole World in Ships of large Burthen, and could not, without disappointment, see so splendid a concession dwindle down to the narrow compass of an ordinary Transit Route for mere Coasting Vessels, which, to distant Nations, would be almost destitute of value.

I avail myself [etc.].

2997

*Joseph R. Ingersoll, United States Minister to Great Britain, to Edward Everett, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 27

LONDON, March 11, 1853.

Two subjects are now engaging great attention. Although they have been noticed in my former communications<sup>2</sup> I ought not to omit again calling the particular attention of the Department to them. In the House of Commons, M<sup>r</sup> Hume has called on Lord John Russell concerning the project for a Ship Canal through the Isthmus of Darien as a matter of the greatest importance to every country in the world. Lord John Russell, as will be seen in the report of the proceedings, admitted the question to be a most important one. He added that the Convention entered into with the United States<sup>3</sup> would by no means answer the desired purpose, and that Her Majesty's Government had so stated to the Government of the United States. He also said that the Government would be very glad that the United States' Government would join with them in carrying out the Darien plan, supposing it to be found practicable. It is impossible to regard the whole matter except with the deepest interest. It is exciting great attention here and, I believe, general approbation. A book has been sent to me by D<sup>r</sup> Cullen, which gives perhaps fuller explanation than any other single document. This I have the pleasure to forward to the Department. If our Government should upon reflection and after full acquaintance with the subject determine to take the lead in this magnificent enterprize, they would

<sup>1</sup> Despatches, Great Britain, vol. 64. Received March 28.

The portions omitted at the beginning and end of this despatch relate to a universal system of meteorological observations, to postal matters, and other matters not pertinent to this publication.

<sup>2</sup> Ingersoll's despatch No. 21, February 4, 1853, above, this part, doc. 2995, is the only previous communication from him pertinent to this publication. The other subject discussed in this despatch "engaging great attention" concerned postal matters and has been omitted.

<sup>3</sup> He presumably refers to the Clayton-Bulwer Treaty of April 19, 1850, for which see Malloy, *Treaties, Conventions, etc., between the United States and Other Powers*, vol. 1, p. 659.

receive the thanks and applause of the civilized world. I feel well convinced that the present Administration could scarcely do anything that would give greater illustration to its early efforts of patriotism and sound policy. It is not indispensable that any precise practical step should be immediately taken; but an emphatic declaration from the Department of the disposition to approve and the desire to uphold and contribute effectually to the early commencement and vigorous prosecution of the work, would have the happiest effect. The Committee called on me on Saturday last agreeably to appointment and entered fully into the views of the Company. They anticipate a subscription of one half of the required amount on this side and desire to reserve the other half to be provided for in the United States. If the project be really what it promises to be the amount of subscription cannot be regarded as extravagantly large. Still there might be a reluctance on the part of individuals to come forward at an early day with their own voluntary contributions. In whatever shape might be deemed best, the lead of the Government would probably be necessary either for supply of funds, or example, or both. While the Darien canal is the great work which the commerce of the world requires, the Nicaragua route seems to be of primary importance to the people of the United States—the communications with China, California, and Oregon being shorter—and Railways by Panama and Tehuantepec are calculated for Postal and Passenger use. Each may come, and each may promote its especial ends.

2998

[April 16, 1853.]

[N.B.—The following communication from Lord John Russell to Mr. Crampton was read by Mr. Crampton to the Secretary of State on April 16, 1853, according to a brief note written across the top of this document, and since no covering note was found this is the only indication of the probable date of its receipt at the Department:]

*Lord John Russell, British Secretary of State for Foreign Affairs, to John F. Crampton, British Minister to the United States*<sup>1</sup>

FOREIGN OFFICE, February 16, 1853.

SIR: Lord Malmesbury received just before leaving office the note addressed to you by Mr. Everett,<sup>2</sup> and left it for the consideration of his successor.

The absence from London of the Ambassadors of France has hitherto prevented

<sup>1</sup> Notes from Great Britain, vol. 30.

<sup>2</sup> It is evident from the contents of this communication that Lord Russell refers to the Secretary of State's note to Crampton, dated December 1, 1852. See the identical note, *mutatis mutandis*, sent to the French Minister, on the same date, above, vol. vi, doc. 2488.

that communication between the two Gov<sup>ts</sup>, which the circumstances of the proposal made jointly<sup>1</sup> required.

I have now to inform you of the view which H. M. Gov<sup>t</sup> take of Mr. Everett's reply to our overture.

It is doubtless perfectly within the competence of the American Gov<sup>t</sup> to reject the proposal that was made by Lord Malmesbury and M: Turgot in reference to Cuba.<sup>2</sup>— Each Government will then remain as free as it was before to take that course which its sense of duty and a regard for the interests of its People may prescribe.

I should have satisfied my obligations as Sec<sup>y</sup> of State by this obvious remark, had not Mr. Everett entered at large into arguments which the simple nature of the question before him hardly seemed to require.

The Gov<sup>ts</sup> of Gr. Britain and France when they made this proposal to that of the United States were fully aware of the growth of power, and extension of territory which have marked the progress of the U. S. since the period of their independence.

The absorption or annexation of Louisiana in 1803, of Florida in 1819, of Texas in 1845, and of California in 1848, had not escaped them: Still less did they require to be reminded of the events of the seven years war, or of the American war.

It occurs to H. M. Gov<sup>t</sup> therefore to ask for what purpose are these arguments introduced with so much preparation and urged with so much ability?

It would appear that the purpose not fully avowed, but hardly concealed, is to procure the admission of a doctrine that the U. S. have an interest in Cuba, to which Gt. Britain and France cannot pretend. In order to meet this pretension it is necessary to set forth the character of the two Powers who made the offer in question, and the nature of that offer. Mr. Everett declares in the outset of his Despatch "that the United States would not see with indifference the island of Cuba fall into possession of any other European Gov<sup>t</sup> than Spain," &c— The two Powers most likely to possess themselves of Cuba and most formidable to the U. S. are Gt. Britain and France.

Gt. Britain is in possession by Treaty of the island of Trinidad which in the last century was a Colony of Spain; France was in the possession at the commencement of this Century of Louisiana by voluntary cession from Spain. These two Powers by their naval resources are in fact the only Powers who could be rivals with the U. S. for the possession of Cuba.— Well! these two Powers are ready voluntarily to "declare severally and collectively that they will not obtain, or maintain for themselves or for any one of themselves any exclusive control over the said island" (of Cuba) "nor assume nor exercise any dominion over the same."

<sup>1</sup> The proposal made by Great Britain and France to the United States for a tripartite convention in reference to Cuba. Concerning it, see above, this part, April 23, 1852, doc. 2974, and note 2 thereto, and see also vol. vi, pt. vi, April 23, 1852, doc. 2628, and note 3 thereto.

<sup>2</sup> *Ibid.*

Thus if the object of the U. S. were to bar the acquisition of Cuba by any European State, this convention would secure that object. But if it is intended, on the part of the U. S. to maintain that Gt. Britain and France have no interest in the maintenance of the present *Statu[s] quo* in Cuba, and that the U. S. have alone a right to a voice in that matter, H. M. Gov<sup>t</sup> at once refuse to admit such a claim. H. M.'s Possessions in the West Indies alone, without insisting on the importance to Mexico and other friendly States, of the present distribution of Power, give H. M.<sup>t</sup> an interest in this question which she cannot forego.

The Possessions of France in the American Seas give a similar interest to France which no doubt will be put forward by Her Gov<sup>t</sup> nor is this right at all invalidated by the argument of Mr. Everett that Cuba is to the U. S. as an island at the mouth of the Thames or the Seine would be to England or France.

The distance of Cuba from the nearest part of the Territory of the U. S., Viz: from the Southernmost point of Florida is 110 miles:—An island at an equal distance from the mouth of the Thames would be placed about ten miles north of Antwerp in Belgium;—An island at the same distance from Jamaica would be placed at Manzanilla [Manzanillo] a town in Cuba. Thus there are no grounds for saying that the possession of Cuba by Gt. Britain or France would be menacing to the U. S. but that its possession by the United States would not be so to Gt. Britain.

There is one argument of the U. S. Secretary of State which appears to H. M. Gov<sup>t</sup> not only unfounded but disquieting.

Lord Malmesbury and Mr. de Turgot put forward as a reason for entering into the proposed compact, "the attacks which have lately been made on the island of Cuba by lawless bands of adventurers from the U. S., and with the avowed design of taking possession of that island."— To this reason Mr. Everett replies in these terms: "The President is convinced that the conclusion of such a Treaty, instead of putting a stop to these lawless proceedings would give a new and powerful impulse to them."

The Gov<sup>t</sup> of Gt. Britain acknowledges with respect the conduct of the President in disavowing, and discouraging lawless attempts here referred to. The character of those attempts indeed was such as to excite the reprobation of every civilized state. The spectacle of bands of men collected together in reckless disregard of Treaties, for the purpose of making from the Ports of the U. S. a piratical attack on the Territory of a Power in amity with their own State, and when there, endeavoring by armed invasion to excite the obedient to revolt, and the tranquil to disturbance, was a sight shocking no doubt to the just and honest principles of the President. But the statement made by the President that a convention duly signed, and legally ratified, engaging to respect the present state of possession in all future time would but excite these bands of Pirates to more violent breaches of all the laws of

honesty and good neighbourhood, is a melancholy avowal for the Chief of a great state. Without disputing its truth H. M. Gov<sup>t</sup> may express a hope that this state of things will not endure, and that the Citizens of the U. S., while they justly boast of their institutions will not be insensible to the value of those eternal laws of right and wrong of peace and friendship, and of duty to our neighbor which ought to guide every Christian Nation. Nor can a People so enlightened fail to perceive the utility of those rules for the observance of international relations which for centuries have been known to Europe by the name of the Law of Nations. Among the commentators on that Law some of the most distinguished American Citizens have earned an enviable reputation, and it is difficult to suppose that the U. S. would set the example of abrogating its most sacred provisions.

Nor let it be said that such a Convention would have prevented the inhabitants of Cuba from asserting their independence.

With regard to internal troubles the proposed Convention was altogether silent. But a pretended declaration of independence with a view of immediately seeking refuge from revolts on the part of the Blacks under the shelter of the U. S. would justly be looked upon as the same in effect as a formal annexation.

Finally while admitting the right of the U. S. to reject the proposal that was made by Lord Malmesbury and Mr. de Turgot, Gt. Britain must at once resume her entire liberty, and upon any occasion that may call for it be free to act either singly or in conjunction with other Powers, as to her may seem fit.

I am [etc.].

2999

*Joseph R. Ingersoll, United States Minister to Great Britain to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 34

LONDON, April 22, 1853.

There is, however, I am inclined to think, some anxiety on the subject of Central America. Not that the British Government deem their interests in that quarter or those of the country essentially important, or that there is anything in the whole subject which ought to occasion controversy between the two nations. But I can discover symptoms of uneasiness, lest, in the manner in which the whole affair may be treated by the United States, there may be incidental cause of irritation. My impression is that

<sup>1</sup> Despatches, Great Britain, vol. 64. Received May 6.

The omitted portion at the beginning of this despatch relates to an enquiry in the House of Lords in regard to fishery negotiations with the United States, concerning which the writer states that he does not anticipate any difficulty. The portion omitted at the end of this despatch relates to an industrial exhibition and other matters not pertinent to this publication.



apprehensions are not entertained of inherent differences that could not be easily adjusted, but that points of collision may arise indirectly which are less easy of reconciliation than the substantial merits of the case itself. Whatever inferences have presented themselves to me are consistent with a continued belief that there is a strong disposition to maintain the most friendly relations with the United States, and that nothing necessarily connected with the Central American questions is calculated to interfere with that sentiment.

3000

*John F. Crampton, British Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

Private & Confidential.

WASHINGTON, May 19, 1853.

MY DEAR SIR: With reference to our conversation yesterday, I enclose for communication to the President a copy of the despatch from Lord Clarendon which I had the honor to read to you in regard to the Central American question.<sup>2</sup>

<sup>1</sup> Notes from Great Britain, vol. 30. The receipt date was not indicated.

<sup>2</sup> This communication, dated April 29, 1853, follows:

*Lord Clarendon, British Secretary of State for Foreign Affairs, to John F. Crampton, British Minister to the United States*

LONDON, April 29, 1853.

SIR: I have received and laid before the Queen your despatch No. [sic] in which you describe the occurrences which had taken place at Greytown in the Month of February, and in which the Commander of the United States' Ship of War "Cyane" had taken a conspicuous part. Those occurrences, like all recent proceedings connected with Greytown, and the Settlement of the Central American question, are of a complicated, and not very intelligible nature: but it is unnecessary that I should at the present moment enter into a consideration of their details. It will be sufficient to say that Her Majesty's Gov<sup>t</sup> deeply regret what has happened at Greytown, as tending to complicate still farther a question already sufficiently embarrassing and difficult of solution.

However questionable in law the retention of the possession of Punta Arenas by the accessory Transit Comp'y may have been, it is to be regretted that the town Council of Greytown should have proceeded to acts of forcible ejection against that comp<sup>y</sup>. and, on the other hand, however justifiable may have been the interposition of the Commander of the "Cyane" to prevent acts of violence being exercised against the Company, Her M<sup>t</sup>'s Gov<sup>t</sup> cannot but consider that that officer should, in the first instance at least, have confined that interposition to a warning to the Town Council of Greytown to desist

upancy should have been fairly that Captain Hollins acted with perfect honesty of intention, and to the best of his judgement, in a situation of much difficulty; but they consider that in landing an armed force, and taking actual possession of Territory, if not demonstrably belonging to, at least claimed, with every appearance of right, by the de facto Council of Greytown, many members of which were United States Citizens, he acted in a manner not warranted by his Instructions. Certain, at all events, it is that if the Commander of an English Ship of War had acted, in similar circumstances, like the U. S. Commander, but one voice of condemnation of such a proceeding would have resounded from one end of the United States to the other.

I have little doubt that before this despatch can reach you, you will have expressed an opinion in this sense to the U. S. Gov<sup>t</sup>. If you should not, however, have done so, I

I also send you a copy of the opinion of the Queen's Advocate <sup>1</sup> in relation to the construction of the 1<sup>st</sup> Art. of the Treaty of April 1850 of which I spoke to you.

have to desire that you will forthwith in temperate terms make known the feelings and views of H. M.'s Gov<sup>t</sup> to the U. S. Secretary of State; but, in so doing, you will be careful to say that under the peculiar circumstances in which Capt. Hollins was placed, Her M's Gov<sup>t</sup> are not disposed to condemn his conduct. They merely wish to express their regret that he should have thought it necessary to put his measures of coercion against the constituted authorities of Greytown to the extent to which he carried them. And they further wish that stringent instructions should be issued to the U. S. Naval Commanders on that station to abstain carefully and constantly from all acts of force which may tend to weaken the authority of the de facto Gov<sup>t</sup> of Greytown which has been temporarily established by the mutual consent, and under the protection, of the Gov<sup>ts</sup> of Great Britain and the United States.

But Her M's Gov<sup>t</sup> more especially desire to impress in the most earnest manner on the Gov<sup>t</sup> of the U. S. the paramount importance of finally settling the hazardous question of the future position of Greytown, the Mosquito Kingdom and Central America generally, a question fraught with embarrassment, and even danger, which cannot fail to increase daily so long as the points at issue remain in abeyance.

We have already made the fairest proposals to the U. S. Gov<sup>t</sup> for the settlement of this important matter and we are prepared to carry out those proposals in perfect sincerity of purpose whenever the U. S. Gov<sup>t</sup> may think proper to enter upon the question with us. We the more especially desire that these negotiations should not be delayed, because we have of late but too clearly seen how completely the rights of the question at issue and the intentions of Gt. Britain may be misunderstood and misrepresented in the U. S. Until the matter be finally disposed of by a convention or formal agreement between Gt. Britain and the U. S. in concert, if practicable, with the Central American States, more nearly concerned in the question, but, if not practicable, without such concert, Gt. Britain must necessarily retain the position which she has always held with regard to Mosquito, and which the Convention of 1850 was calculated and intended, when practically carried out, to modify, but which as its provisions have not been carried out, it has not as yet altered. Great Britain must also continue, under the same conditions to assert the Title of Mosquito to those boundaries which have always been claimed by that Territory, and in so asserting those Boundaries Great Britain must still repel any aggression within those limits which may be committed by Nicaragua, Honduras, or any other Central American Power.

But, so far from being desirous of assuming voluntarily this attitude of Protector, Her M's Gov<sup>t</sup> anxiously wish to be relieved from so irksome and embarrassing a position by an honorable act of settlement which shall dispose of the question for ever.

You will read this despatch to the U. S. Secretary of State, or to the President, if desired, and you will urge the President and the Secretary of State to lose no time in meeting our views for finally disposing of a question, which if suffered to remain open, cannot fail to be productive of serious danger to both countries.

I am [etc.].

<sup>1</sup> This communication, dated April 15, 1853, follows:

*J. D. Harding, the Queen's Advocate, to Lord Clarendon, British Secretary of State for Foreign Affairs*

LONDON, April 15, 1853.

MY LORD: I am honoured with Your Lordship's commands signified in Mr. Addington's letter of the 7<sup>th</sup> instant, stating that he was directed to transmit to me a despatch from Mr. Crampton, Her Majesty's Minister at Washington, enclosing a Report of a speech made in the Senate of the United States by Mr. Clayton, by whom, when Secretary of State for the United States, the Treaty for the construction of an interoceanic Ship Canal between the Atlantic and Pacific Oceans across the Isthmus of Nicaragua was signed with Sir Henry Bulwer at that time Her Majesty's Minister at Washington, and with reference to the construction put by Mr. Clayton upon the 1<sup>st</sup> Art of that Treaty, namely, that Great Britain is hereby prohibited from protecting by force of arms any state in Central America, notwithstanding any alliance between Her Majesty and either of those States; Mr. Addington is pleased to request that I would report to

I would desire that the communication of these papers should be regarded for the present as Confidential.

In compliance with your wish I send you all the documents of which I am in possession in regard to the proposed Canal from Ocean to Ocean by the Isthmus of Darien: <sup>1</sup> these are: The Engineer's Report: his Journal, A Map of Central America with notes, and A Prospectus of the Company.

Believe me [etc.].

3001

*James Buchanan, appointed United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States<sup>2</sup>*

No. 1 WHEATLAND, near LANCASTER, July 14, 1853.

SIR: I received on Wednesday evening the 6<sup>th</sup> Instant, by the hands of W. G. C. Mann Esquire, a sealed package containing my commission as "Envoy Extraordinary & Minister Plenipotentiary of the United States of America at the Court of the United Kingdom of Great Britain & Ireland,"

Your Lordship my opinion upon the interpretation given by Mr. Clayton to the provisions of that Article.

In obedience to Your Lordship's commands I have taken the matter into consideration, and have the honor to report that I am of opinion that the interpretation given by Mr. Clayton to the Provisions of the 1<sup>st</sup> Art. of the enclosed Treaty (Convention signed at Washington April 19, 1850) is in some respects incorrect.

His Statement that Great Britain cannot place "an armed Soldier on the Territory without violating the Treaty" is, in my opinion, incorrect; and I can see nothing in the Treaty which affords any foundation or colour for such a Statement. The first article expressly recognizes the fact that Great Britain has and may have alliances with, and affords and may afford, protection to States and people in Central America, and only stipulates that neither shall be made use of for the particular purposes therein forbidden, and the maxim of construction "*Expressio unius est exclusio alterius*" applies to this article.

G<sup>t</sup> Britain therefore may in my opinion *protect* any State or People (including Indian Tribes) in Central America, even by force of arms, if needful, without violating the Treaty, provided only that She, in affording such protection, wholly abstains from occupying, fortifying, colonizing, or assuming or exercising any Dominion beyond Her own Territory in Central America. Neither does there appear to me to be anything in the Treaty which would necessarily prevent G<sup>t</sup> Britain from sending a fleet or army, if necessary, into any part of Central America, or from conducting any Naval or Military operations, either aggressive or defensive, and either alone or in alliance with any other Nations or States, in any part of Central America. She may certainly do so if she abstains from "occupying" or "fortifying or assuming or exercising Dominion" therein beyond her own Territory.

There is not in the Treaty any Stipulation (for instance) that G<sup>t</sup> Britain shall abstain from preventing by force of arms other nations from occupying or fortifying or assuming dominion over any portion of Central America or that she shall not destroy such fortifications or subvert such dominion if once established therein.

I understand Mr. Clayton also to assert that by the Treaty Great Britain "has abandoned all dominion in the whole of Central America," which assertion is in my opinion, incorrect and at variance with the fact, at least as regards Belize and its Dependencies, if, indeed, this exception was not intended by him.

I have [etc.].

<sup>1</sup> None of the documents listed below in this note were found.

<sup>2</sup> Despatches, Great Britain, vol. 65. Received July 15.

This and a subsequent despatch from Buchanan were written before he left the United States.

together with your General Instructions (No. 1) dated on the 1<sup>st</sup> Instant<sup>1</sup> & the different documents therein mentioned: Also, your special Instructions (No. 2) dated on the 2<sup>d</sup> Instant.<sup>2</sup>

As by the latter, "the whole Central American question, so far as Great Britain has seen fit to connect herself with it, is entirely confided to your (my) management, under such instructions as you (I) may from time to time desire, or such as the President may consider himself called upon to furnish, in the progress of the discussions which may arise thereon"; it has become indispensable that I should receive, before my departure from the Country, copies of every document in the Department of State, having any material bearing upon this question, except such as may be found in the archives of the Legation at London. The transfer of the negotiation from Washington to that City renders this all important. Before my first introduction of the subject to the British Minister for Foreign Affairs, it is necessary that I should understand the question in all its relations. For this purpose, it is essential that I should be fully informed of the nature & extent of the pretensions of the British Government to interfere in Central America & the reasons on which they are founded. You will, therefore, be kind enough to cause copies of all such documents to be transmitted to me, at your earliest convenience; as I am anxious to proceed on my mission, with as little delay as possible. Among these, I might mention two letters to the Department which I perused when last at Washington; one from W. S. Murphy, special agent &c dated, according to my recollection, in January 1842,<sup>3</sup> & the other from M<sup>r</sup> Harrison, our Consul at Jamaica, dated in March of the present year.<sup>4</sup> When there, you read to me a paper containing the opinion of certain British law officers on the construction of the Clayton & Bulwer Treaty; which would, also, be important.

Your instructions do not seem to contemplate, at least for the present, any attempt to acquire the *Island of Cuba from Spain, by purchase*. I should be glad to know the policy of the President, in regard to the acquisition of this Island, as soon as it shall be definitely determined; &, under your instructions, to render any such incidental services in the accomplishment of this important object, as may be deemed compatible with my position & duties as Minister of the United States at London.

I shall, most cheerfully, execute your instructions in regard to Cuba, according to my best ability; but in order to do this effectually, ought I not to possess all the information in the Department, directly bearing on the objects of these instructions?

Yours very respectfully.

P. S. Copies of all the papers relating to San Juan de Nicaragua will be highly important & may be wanted the first of all.

<sup>1</sup> Not included in this publication.

<sup>2</sup> Above, this volume, pt. 1, doc. 2734.

<sup>3</sup> He presumably refers to Murphy's despatch, dated January 20, 1842, above, vol. III, doc. 804.

<sup>4</sup> Not included in this publication.

3002

*Joseph R. Ingersoll, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 51

LONDON, July 26, 1853.

SIR: I have communicated to the Principal Secretary of State for Foreign Affairs the information contained in your N<sup>o</sup> 44, (11 July 1853.)<sup>2</sup> that the President has expressed the willingness of the United States' Government to cooperate with that of Great Britain as a joint arbiter in settling the disputes between Costa Rica and New Granada as to boundary.<sup>3</sup>

3003

*James Buchanan, appointed United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>4</sup>

No. 3

WHEATLAND, near LANCASTER, July 27, 1853.

SIR: Among the papers which you have furnished me, I find a copy of a communication from Lord Clarendon to M<sup>r</sup> Crampton dated on the 27 May 1853,<sup>5</sup> in which he states, that,

Her Majesty's Government have already, on many occasions, within the last twelve months, made overtures of the fairest & most liberal & practical character to the United States Government, inviting that Government to go hand in hand with the Government of Great Britain in devising & establishing a scheme of adjustment, by which the affairs of Central America, Mosquito included, shall be satisfactorily & permanently settled, and the honor of Great Britain, as ancient protector of Mosquito shall be preserved intact.

I do not find among the papers transmitted to me copies of the "overtures," to which his Lordship refers. Before I can answer this communication satisfactorily, it is indispensable that I should be apprised of the nature & extent of these "overtures." I would thank you, therefore, to furnish me all the necessary information on this subject, before my departure from New York.

I do not discover, among the papers which you have communicated, the President's full power to conclude a Treaty with Great Britain on the Central American questions. This, I presume, is a mere oversight.

<sup>1</sup> Despatches, Great Britain, vol. 64. Received August 8.

<sup>2</sup> Above, this volume, pt. I, doc. 2735.

<sup>3</sup> The portion omitted here relates to an extradition convention, and also to consular affairs.

<sup>4</sup> Despatches, Great Britain, vol. 65. Received July 29.

<sup>5</sup> See above, this volume, pt. I, p. 96, note 3.

It is of great importance, that I should understand precisely what are the terms & conditions which the President would require in such a Treaty. Although I feel greatly honored by the high confidence reposed in me by the President; yet I should be unwilling to conclude a Treaty with the British Government upon these complicated embarrassing & dangerous questions, without instructions as to the particular stipulations which would be satisfactory to my own Government; & especially as to the terms which would be required as a *sine qua non*. Such instructions will present definite objects, to the accomplishment of which all my efforts shall be concentrated & directed. I respectfully request, therefore, that you will devote your attention to this subject, at your earliest convenience.

I have another suggestion to make;—and, this, in regard to the Colony of the Bay of Islands. I am happy to know we agree in opinion, that this Colony has been established by the British Government in direct violation of the Clayton & Bulwer Treaty. Such is, also, the opinion of the Committee on Foreign Relations of the Senate which is entitled to great respect. The establishment of this Colony, then, stands out in bold relief from the other aggressions of the British Government in Central America. Ought there not to be a solemn & formal protest made to that Government, in the name of the President, against this establishment, accompanied by a demand that it shall be withdrawn? Perhaps, this may have already been done; & in that case, my suggestion will go for nothing. If not, I shall be happy to receive the President's authority to make such a Protest.

I have never yet seen a copy of the Convention with Great Britain of the 8<sup>th</sup> February last, referred to in your instructions, No 2;<sup>1</sup> but it has doubtless been communicated to the Legation at London.

I am anxious, if possible, to take out with me to London the Congressional Globe & Appendix for the last session of Congress, on account of the Debates which they contain on the Monroe Doctrine & the Clayton & Bulwer Treaty. Might they not be transmitted in the Despatch Bag?

It is my purpose to leave this place for Philadelphia on Monday morning next & to arrive in New York on Wednesday, where I shall remain until the departure of the Atlantic on Saturday the 6<sup>th</sup> proximo.

Yours very respectfully.

3004

[August 8, 1853.]

[N.B.—In the manuscript volume there is no record of the date when the following communication from Lord Clarendon to Mr. Crampton was received at the Department, but, allowing a little more than two weeks for its receipt at the British Legation and transmission to the Department, the date August 8, 1853 has been supplied.]

<sup>1</sup> The portion of that instruction, July 2, 1842, which is above, this volume, pt. 1, doc. 2734, relating to this claims convention was omitted.

*Lord Clarendon, British Secretary of State for Foreign Affairs, to John F. Crampton, British Minister to the United States*<sup>1</sup>

No. 62

LONDON, July 22, 1853.

SIR: I transmit to you herewith the copy of a Desp<sup>b</sup> addressed by the U. S. Sec<sup>y</sup> of State to the U. S. Min. in this Country,<sup>2</sup> which by the direction of his Gov<sup>t</sup>, the latter Gentleman has put into my hands. That despatch has reference to the recent occurrences at Greytown & Punta Arenas, & to the conduct of Cap: Hollins the Commander of the U. S. Ship "Cyane," on that occasion.

The tone of that Desp<sup>b</sup> if not hostile is certainly not such as H. M. Gov<sup>t</sup> had hoped for from the U. S. Gov<sup>t</sup> after the many fair & friendly efforts which at some sacrifice of feeling with respect to the Mosquito Country, they have for some time past made with the U. S. Gov<sup>t</sup>, in order to bring about in concert with them, a mutually advantageous & equitable settlement of the affairs of Central America, more especially in reference to Greytown & the Mosquito Country.

In justifying the conduct of Captain Hollins in the dispute which occurred in the month of February last between the Accessory Transit Company & the *de facto* Gov<sup>t</sup> of Greytown, the U. S. Sec<sup>y</sup> of State applies the word rebuke to the representation which, in my Desp<sup>b</sup> N<sup>o</sup> 21 of the 29 of April last,<sup>3</sup> I directed you to make, on the part of H. M. Gov<sup>t</sup> to the Gov<sup>t</sup> of the U. S. on the subject of the proceedings of that officer: but I neither rebuked, nor invited a rebuke upon Cap<sup>b</sup> Hollins. I merely pointed out in temperate language the erroneous position in which, in my view of the matter that officer had placed himself; & in order to avoid all danger of future misunderstanding, I requested that stringent instructions might be conveyed to the U. S. Commanders on that Station for the guidance of their conduct on similar occasions in a sense different from that pursued by Cap: Hollins. That request was grounded on the instructions which were furnished in the Spring of 1852, by the British & U. S. Gov<sup>ts</sup> to their respective naval Commanders in Central America directing them to support, in conjunction, & pending the negotiations for the settlement of the Central American question, the *de facto* Gov<sup>t</sup> of Greytown. Now that Gov<sup>t</sup> claimed a right to the Isthmus called Punta Arenas over against Greytown on the other side of the mouth of the river San Juan; & on the written request of the Accessory Transit Company, dated 11<sup>th</sup> of June 1851, to the effect that the Company desired the use of a portion of the land on the other side of the harbour near Punta Arenas, measuring two hundred feet East to West & four hundred feet North to South, the Gov<sup>t</sup> of Greytown had ceded that portion of land to the company at a nominal rent "until the land in question might be required

<sup>1</sup> Notes from Great Britain, vol. 30.

<sup>2</sup> See Secretary Marcy's No. 39 to Ingersoll, June 9, 1853, above, this volume, pt. I, doc. 2733.

<sup>3</sup> Above, this part, p. 494, note 2.

for the purposes of the Mosquito Gov<sup>t</sup>" This agreement therefore clearly shews that the Accessory Transit Company considered the land in question as dependent on Greytown; & that they were bound to evacuate it whenever required by the Gov<sup>t</sup> of Greytown. They were so required in February last, & refused; and the U. S. Commander not only supported them in that refusal, but landed an armed force to protect them against the authorities of Greytown. It was this act that H. M. Gov<sup>t</sup> considered as opposed to the mutual instructions given, & the understanding entered into in 1852 between the Gov<sup>ts</sup> of G<sup>t</sup> Britain & the U. S: & they instructed you accordingly to make a representation against it, & to request that fresh instructions might be sent out to prevent a recurrence of such proceedings.

H. M. Gov<sup>t</sup> fully admit that the conduct of the Gov<sup>t</sup> of Greytown in the violent measures which they took for forcibly ejecting the Accessory Transit Company from Punta Arenas was injudicious & intemperate; & they have made known that opinion to those authorities. But that conduct does not, in the judgment of H. M. Gov<sup>t</sup> justify the strong measures of coercion adopted by Cap<sup>t</sup> Hollins against the Greytown Gov<sup>t</sup> In fact, nothing could, in the opinion of H. M. Gov<sup>t</sup>, warrant either an United States or a British naval officer, under their mutual instructions, in landing armed men from their ships at Punta Arenas for the protection of the Accessory Transit Company against the enforcement of the terms of a written agreement by the *de facto* Gov<sup>t</sup> of Greytown, with which the agreement had been voluntarily made.

It was competent to the U. S. Comm<sup>r</sup> to use the most urgent means of persuasion with the Gov<sup>t</sup> of Greytown to induce them to desist from their illjudged course of violence, but not to employ an armed force for that purpose.

M<sup>r</sup> Marcy observes that if, as Nicaragua asserts, Punta Arenas is within the territorial limits of Nicaragua, the right of the Accessory Transit Company can hardly be drawn in question, because they hold their charter from the Gov<sup>t</sup> of Nicaragua. But the fact of the Company having rented Punta Arenas, as above described, from Greytown by a voluntary written agreement, founded on their own application, sets this question at rest, for having acknowledged the right of Greytown, & held under that acknowledgement, the Company cannot now turn round, & acknowledge the opposite right of Nicaragua.

H. M. Gov<sup>t</sup> deeply regret the language which the U. S. Sec<sup>y</sup> of State has thought it expedient to employ in his Despatch in speaking of the Mosquito Country & of Nicaragua. H. M. Gov<sup>t</sup> were necessarily conscious of the light in which the Gov<sup>t</sup> of the U. S. had always, &, it is admitted, consistently, viewed the Mosquito Country. But the U. S. Gov<sup>t</sup> were equally cognizant of the long standing relations of G<sup>t</sup> Britain with that Country, & of the moral impossibility of her abandoning that Country & its ruler, after



ages of protection afforded to them, without making such terms in their favor as should be consistent with their own fair claims, & with the dignity & honor of the British Crown.

Under this well known difference of views, it was the more to be desired that both Gov<sup>ts</sup> should sedulously abstain from all language calculated to bring that difference more prominently into view; and that they should, on the contrary employ their best efforts to throw that difference into the shade, & to settle the question at issue in a manner equally beneficial & creditable to both.

I have already stated in my Desp<sup>ch</sup> N<sup>o</sup> 36, of the 27<sup>th</sup> of May<sup>1</sup> that until the general Central American question shall have been finally determined, H. M. Gov<sup>t</sup> must regard the territorial rights of Mosquito, including Greytown, (saving the *de facto* arrangement entered into with regard to the latter) in the same light in which they have always been regarded by G<sup>t</sup> Britain; & that H. M. Gov<sup>t</sup> cannot recognize any pretension on the part of Nicaragua or of Honduras to any part of that territory. They must on the contrary, continue to resist any such pretension. In repeating this declaration, however, H. M. Gov<sup>t</sup> again, & in the most cordial manner, invite the U. S. Gov<sup>t</sup> to join with them in devising and carrying out such an arrangement with regard to the Mosquito Country, & Central America generally, as shall both tend to remove any chance of future misunderstanding between two great & kindred Countries, & shall also afford a better prospect than now exists of bringing into the pale of political & commercial enlightenment a vast & noble region lying between the Northern & Southern Continents of America which, to all practical intents, is now lost to the world.

I am [etc.].

3005

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 4

LONDON, August 24, 1853.

SIR: I arrived in Liverpool on Wednesday the 17<sup>th</sup> Instant; & in this City on the day following. . . .

I have the honor of receiving your Number 7, of the 30<sup>th</sup> ultimo<sup>3</sup> at New York previous to my departure for Liverpool: & I shall look, with some degree of anxiety for "the views of the President," in regard to the terms & conditions which he would require in a Treaty with Great Britain for the settlement of the Central American questions; & also, for his authority to

<sup>1</sup> See above, this volume, pt. 1, p. 96, note 3.

<sup>2</sup> Despatches, Great Britain, vol. 65. The receipt date was not indicated.

The omitted portion of this despatch relates to Buchanan's presentation to the Queen.

<sup>3</sup> Above, this volume, pt. 1, doc. 2738.

present a protest to this Government against their establishment of the Colony of the Bay of Islands.

August 26. The commissions of James M'Dowell, John L. Nelson & Philip T. Hearst Esquires have just been returned to the Legation, together with the Queen's Exequaturs for them to act as Consuls of the United States, respectively, at Leith, Turks Island & Glasgow.

Yours very respectfully.

3006

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 7

LONDON, September 16, 1853.

I have not yet asked an interview with Lord Clarendon for the purpose of talking over the Central American question, concluding, upon reflection, it was most judicious to await the arrival of the Baltic in the certain expectation that I should then receive your promised instructions together with my full power to conclude a Treaty upon this subject. In this expectation I have been disappointed and I shall to-morrow ask an interview with his Lordship, though my conversation with him cannot be of that specific and frank character which, I am well persuaded, is less calculated to produce an effect upon this Government.

Yours very respectfully.

3007

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 8

LONDON, September 22, 1853.

I told him<sup>3</sup> that my principal object in requesting this interview was to inform him that the President of the United States had confided to me the task of settling with him, if this were possible, the questions pending between the Two Governments in relation to Central America. It was not

<sup>1</sup> Despatches, Great Britain, vol. 65. Received October 3.

The omitted portion relates to consular affairs, an extradition treaty, and to European political affairs.

<sup>2</sup> Despatches, Great Britain, vol. 65. Received October 7.

The omitted portion at the beginning of the document relates to a fishery and reciprocity treaty between the United States and Great Britain. It also relates to the first part of the interview which follows in this despatch, between the British Secretary of State for Foreign Affairs and Buchanan, in which they discussed the Russian and Turkish situation.

<sup>3</sup> The Earl of Clarendon, British Secretary of State for Foreign Affairs. See second paragraph of the footnote immediately above.

my purpose at this time to enter into any discussion of these questions; but merely to introduce the subject to his notice.

He said he feared we would have great difficulty in settling these questions;—the two Governments seemed to differ widely on this subject. That for their part, they would gladly get clear of their Mosquito Protectorate,—it was of no advantage to them; but that for a period of two or three hundred years they had exercised this Protectorate and that the honor of Great Britain required they should not abandon the Mosquitos, without proper attention to their interests.

I replied that upon this point the two Governments did indeed differ widely. That the American Government was entirely convinced that even if the British Government had formerly any claims to the Mosquito Protectorate, they had entirely and explicitly abandoned them by their Treaties with Spain of 1783 and 1786. He said there were two opinions on this subject and that since the date of those Treaties they had resumed their protectorate. I replied, that this I believed, they had only done at a recent period. We then agreed that we would not enter upon the discussion of this or any other of the questions at the present time; for which he was evidently unprepared.

I then told him I would state the fact, that the Senate of the United States, at their last session, had before them, a proclamation dated at Belize in July, 1852, from which it appeared that the British Government had established a new colony of "The Bay Islands" on the Coast of Honduras, since the date of the Clayton and Bulwer Treaty, and that it seemed to be the opinion of that body, so far as I knew, without dissent, that this Colony had been established in direct violation of that Treaty. That if this Colony had been established, it would tend very much to complicate the questions between the two countries. He answered that he knew nothing about the establishment of such a Colony,—that he was wholly unprepared to say whether it had or had not been established; but would inform me the next time we met. He then asked what Islands they were. I told him Ruatan and other smaller Islands in its vicinity. He said he thought Ruatan had long been in possession of the British. I observed that this would also be disputed; but in any event, I conceived that the establishment of this Colony, subsequent to the date of the Clayton and Bulwer Treaty was a plain violation of its terms. I hoped it had not been established. It was not mentioned among their colonies in the British Imperial Calendar for 1853; and that the Senate had not had before them any official evidence of the fact; but had acted upon such information as seemed to be entirely satisfactory.

He then took a memorandum from me of the proclamation purporting to have been issued on the 17<sup>th</sup> July 1852 by "Augustus Frederick Gore, Acting Colonial Secretary." I requested him, if such a colony had been established, to send me a copy of the official act,—which he promised to do.

His Lordship then branched off, I suppose in consequence of my reference to the proceedings of the Senate in regard to the Bay Islands, & said he was extremely sorry to remark, that the speakers in our Senate & House of Representatives, particularly the latter, were in the habit of indulging in offensive remarks against Great Britain, calculated to excite unfriendly feelings between the two Countries, which ought always to be good friends. That no member of the House of Lords or House of Commons ever indulged in similar remarks against the United States. If any one of them should attempt to do so, he would meet the strongest marks of reprobation. That in fact it would not be tolerated.

I answered that His Lordship knew well how to make the proper allowance for freedom of discussion in a Legislative Assembly under a free Government. Besides, that unfortunately, ever since my entrance into public life, there had been a continued succession of irritating questions between the two Governments, which kept unpleasant feelings alive without intermission. That at the present moment, I was sorry to say, there were many such in existence. Yes, he observed, there was a plentiful crop of them at present, for which he was, also, very sorry;—I continued; it was the desire of the President that all these should be amicably and honorably settled;—so that the two countries might make a fresh and propitious start.<sup>1</sup>

## 3008

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 10

LONDON, October 7, 1853.

I regret that the President has not deemed it expedient to authorize me, in case circumstances should render this advisable, to present a Protest in his name to the British Government, against their colonization of the Bay Islands. That such a colony has been established, although Lord Clarendon was ignorant of the fact, is beyond a reasonable doubt. The truth is that this Government does not seem to understand, certainly it does not appreciate, the importance of the Central American questions. I desired a fair opportunity to present these questions before them in their true light which such a Protest would have afforded;—because the establishment of this col-

<sup>1</sup> The portion of the document omitted here relates to the slavery question.

<sup>2</sup> Despatches, Great Britain, vol. 65. Received October 20.

In the omitted portion at the beginning of the despatch, the writer acknowledges the receipt of instructions Nos. 11 and 13. No. 11, September 12, 1853, is above, this volume, pt. 1, doc. 2740. No. 13 is not pertinent to this publication. He also reports that he had not had an interview with the British Secretary of State for Foreign Affairs since September 22, which interview was reported in his despatch No. 8, above, this part, September 22, 1853, doc. 3007, due to the serious Turkish and Russian situation.

ony violates at the same time their Treaties with Spain of 1783 and 1786, the Monroe Doctrine and the Clayton and Bulwer Treaty. I shall of course be very glad to receive any information in regard to the Colony of "the Bay Islands," which M<sup>r</sup> Molina may be able to afford.

You inform me that the Government is not aware that Great Britain claims to have full sovereignty over the Balize.<sup>1</sup> I have not yet been able to ascertain the date at which she established a regular Colonial Government over it; but certain it is, that such a Government now exists. I have before me the British Imperial Calendar for 1853, in which among the list of British Colonies is found that of Honduras, with the names of the Superintendent, the Colonial Secretary, the Chief Justice and those of all the other Officers necessary for its Government. The Calendar of 1845 is the first in which I find the name of a Chief Justice, R. Temple Esquire, which has since been continued in each successive year. I shall investigate this subject thoroughly; though strange as it may seem, I find it very difficult, to obtain any precise information about the Colonies of Great Britain.

No opportunity has yet been afforded me to carry your instructions into effect regarding the projet for the Fishery and Reciprocity Treaty.

Yours very respectfully.

3009

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 14

LONDON, November 1, 1853.

His Lordship,<sup>3</sup> himself then adverted to the subject of the "Bay Islands" and the Central American questions. Perceiving from what he said that he was still not prepared to enter upon the discussion of these questions, I observed it was not my purpose to press them until it should be quite agreeable to him; yet they were very important and it was highly desirable that they should be settled, if this were possible, without unnecessary delay. I hoped, however, if the British Government had established the Colony of the "Bay Islands" he would be able to furnish me with a copy of the official act, at this time, so that I might transmit it to Washington before the meeting of Congress. He said, these questions were indeed, highly important, and that it was his anxious desire they should, if possible, be speedily settled. He then asked me in what manner I thought we had best proceed with the negotiation,

<sup>1</sup> See instruction No. 11 to Buchanan, September 12, 1853, above, this volume, pt. 1, doc. 2740.

<sup>2</sup> Despatches, Great Britain, vol. 65. Received November 15.

The omitted portion at the beginning of the document relates to the first part of the interview which follows in this despatch, between Buchanan and the British Secretary of State for Foreign Affairs, in which they discussed the Turkish-Russian question and also ship claims.

<sup>3</sup> Lord Clarendon, British Secretary of State for Foreign Affairs.

and added that he did not himself well understand the questions and would depend much upon myself for information in regard to them. My Lord, said I, laughingly, this is your first attempt to play the diplomat upon me; I know you possess a thorough knowledge of the whole subject. Indeed, said he, upon my honor, I do not,—I am quite sincere. I desire to know your opinion as to the best manner of our proceeding. Then, said I, I shall give it to you frankly. I think when both parties desire to come to an amicable understanding, by far the best mode of accomplishing the object, is first to talk the whole matter over in a friendly manner. We can then soon discover the points on which we agree, and those, if any, on which we differ. If we should proceed by addressing notes to each other, this would produce long delay, and both parties might feel a sort of necessity to stand by what they had written. Now, said I, if you would appoint some day, when you will have abundance of time, let us hold a free and friendly conversation, embracing all the questions, and I dare venture to hope for a favorable result.

He said, he agreed, with his whole heart, to the plan I had suggested,—he thought it was by far the best mode of proceeding, and would appoint some day next week for the conference, of which he would give me sufficient notice. He added gayly, “you must not think I was attempting to play the Diplomat for in truth I do not understand the subject; but I shall endeavor to do so before we meet. He said he had done his best to get the paper I desired from the Colonial Office, relating to the “Bay Islands”; but had not as yet succeeded,—he had just received a note from them excusing themselves for the delay. He observed that he believed Roatan was a miserable little Island that had been occupied for many years by a few British subjects who had requested the home authorities to give them some kind of Government. That their request had been granted, and that this was entirely a different case from what it would have been, had they but recently first occupied the Island. I told him I had no desire to discuss the question at present; but I must observe, that so far from having occupied it for many years, I believed it would appear it had been seized from the State of Honduras by a British Military force so late as 1841. Mr. Johnston in his Dictionary of Geography, published in 1851, had stated expressly that the Island had been abandoned by the English. But in any event, I conceived that the Clayton and Bulwer Treaty had disposed of the question of this Island which was unquestionably a part of Central America. I then took occasion to observe that the Government of the United States had no idea of acquiring any territory in Central America. They desired only that the small states into which it was divided should enjoy in peace what belonged to them; the two Governments, each for itself, interposing its good offices to settle the disputed questions of boundary existing between them. That in my opinion neither Great Britain nor the United States had any real interest

to pursue a different course and that in America we had all expected that the Clayton and Bulwer Treaty would produce this happy result. Without this it certainly never could have been ratified.

He said he heartily agreed in the wish expressed by me in favor of these small states; and here the conversation on this subject ended. . . .<sup>1</sup>

I then proceeded to converse with His Lordship in relation to your instructions concerning Cuba;<sup>2</sup> and here, justice requires me to remark, that what he said on this subject, appeared to be clear, explicit and satisfactory.

I commenced by stating, that at the moment when the visit of the Earl of Aberdeen had terminated our last interview,<sup>3</sup> I was about, under instructions from my Government, to make an important enquiry of him, which I would now take the liberty of making with entire frankness; and that it would then be for him to decide whether he would answer it or not.

I said; "Your Lordship must be fully aware of the deep,—the vital interest which we feel in regard to the condition of the colored population of Cuba. This Island is within sight of our shores; and should a black Government like that of Hayti be established there, it would endanger the peace and domestic security of a large and important portion of our people. To come then to the point:—it has been publicly stated and reiterated over and over again in the United States, that Spain, should she find it impossible to retain the Island, will emancipate the Slaves upon it; and that the British Government is endeavoring to persuade her to pursue this course." I here paused for a reply.—

He answered;—"We certainly have no wish, very far from it, to see a Black Government established in Cuba. We have been pressing Spain incessantly to put down the African Slave trade with Cuba; and, I regret to say, without yet having produced the effect which we so much desire. Concha was bad enough in encouraging this trade, but Canedo has proved to be still worse. The temptation to these people, of receiving about thirty dollars a head, on the importation of each slave, has proved irresistible. We now hope for better things. Canedo has been recalled, and a man of fair character (I did not distinctly hear his name) has been appointed; and being a person of great wealth, he will not be exposed to the same temptation as his predecessor. With the exception of urging Spain to abolish the Slave trade and endeavoring to trace out the emancipados, and do them the justice which good faith requires of us,—and in this last we have had very little success,—we have never had any negotiations of any kind with Spain or attempted to exercise any influence over her respecting the condition of the slaves in Cuba. We have not the most remote idea, in any event, of ever

<sup>1</sup> The omitted portion relates to a fishery and reciprocity treaty between the United States and Great Britain.

<sup>2</sup> He apparently refers to Marcy's instruction No. 2 to him, July 2, 1853, above, this volume, pt. I, doc. 2734.

<sup>3</sup> See the interview reported in Buchanan's despatch No. 8, September 22, 1853, above, this part, doc. 3007.

attempting to acquire Cuba for ourselves. We have, already, too many Colonies,—far more than are profitable to us."

I told him I was very much rejoiced to be able to make this report to my Government. He told me he never would have forgiven me, if, having this upon my mind, I had not frankly made the enquiry which he had as frankly answered. In our intercourse, he hoped, there would be the most perfect frankness on both sides. I said, I united in his wish with all my heart, and should always act upon this principle.

We then fell into a desultory conversation, concerning the Island of Cuba. In the course of this, I stated to him that the United States had never had any purpose of acquiring Cuba, except by purchase or by other fair and honorable means. That although politically opposed to M<sup>r</sup> Fillmore's administration, I would do it the justice to declare my conviction that they had done all they could to prevent the Fillibustering expeditions to that Island. He answered that he firmly believed this was the fact.

Finding his Lordship quite willing to converse upon the subject,—I said,—that Cuba was wretchedly governed. The inhabitants were oppressed in every way, under an unmitigated, irresponsible and distant despotism. It was just at our doors, and the people of the United States could not fail to feel a deep interest in its fate. If it were governed, as they governed their North American Colonies, we would be perfectly content that it should remain in the possession of Spain for an indefinite period. But our trade with it was shackled by unjust restrictions and our general intercourse with it was a source of perpetual annoyance. He admitted all this to be true and said he had told M<sup>r</sup> Isturiz, (the Spanish Minister at this Court) but a few days ago, that if Spain lost Cuba it would be altogether their own fault, and they would be indebted for it to the wretched manner in which they governed the Island. He added that although Spain did not deserve it at the hands of the British Government, they still felt a sympathy for her arising out of their ancient alliances.

I observed that if the oppressions of Spain should produce an insurrection among the Creoles of Cuba, whilst our Government might not feel disposed to take any part in the struggle as long as it was confined to the original parties themselves; yet, if other Governments should interfere in the contest on behalf of Spain, no human power could prevent us from interfering in favor of the Creoles. This would be inevitable. In regard to the African Slave Trade, we felt as much anxiety to see it suppressed as they could do in Great Britain; and this feeling was universal throughout our whole Country. Such a feeling was not only dictated by motives of philanthropy; but by those of self-protection. We desired to avoid all possible danger of a Black Government in Cuba, and we could never witness without great dissatisfaction, a large preponderance of the black over the White race in that Island. . . .<sup>1</sup>

<sup>1</sup> The omitted portion relates to a discussion on the slave trade.



One thing is certain;—that whether successful or not in my mission, I anticipate a frank and agreeable official intercourse with Lord Clarendon.  
Yours very Respectfully.

3010

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 16

LONDON, November 12, 1853.

SIR: I had an interview with Lord Clarendon, at the Foreign Office on Monday last, by his own appointment.

His Lordship commenced the conversation by complaining of his incessant labors in endeavoring to settle the Turkish question.<sup>2</sup> . . .

His Lordship then asked what course I would suggest as the best mode of proceeding with our conferences on the Central American questions;—professing at the same time, as he had done before, that he was not well acquainted with the subject and assuring me that in making this declaration on a former occasion, he had not been attempting to play the Diplomat. I told him he must have seen that my remark had been merely playful; whereupon a sprightly conversation ensued not worth a repetition.

I then observed that he had stated in a recent Despatch to M<sup>r</sup> Crampton, that the British Government had on several occasions, made overtures to that of the United States, for the settlement of these questions;<sup>3</sup> but the administration at Washington were not aware that any distinct overtures of this kind had been presented. It was probable this might have been done in conversations between M<sup>r</sup> Crampton and M<sup>r</sup> Webster or M<sup>r</sup> Everett, but, if so, there was no trace of such overtures in the Department of State. I suggested, therefore, that he should in the first place, as a starting point, state to me clearly and precisely upon what terms the British Government felt disposed to settle these questions. His Lordship made no distinct answer to this suggestion; but asked me if I was not aware of the Agreement which had been entered into between M<sup>r</sup> Webster and M<sup>r</sup> Crampton, on this subject, in April 1852;<sup>4</sup> and inquired how this would do for a basis of settlement.

I informed him that I was perfectly acquainted with this Agreement. It

<sup>1</sup> Despatches, Great Britain, vol. 65. Received November 30.

<sup>2</sup> The omitted portion reports chiefly the conversation which ensued, relative to an inquiry made by Lord Clarendon whether the "Washington Union" was an organ of the United States Government, which newspaper had recently published an editorial charging that Great Britain was intriguing with Spain to Africanize Cuba. Buchanan denied that the government had any connection with, or was responsible for, the editorials published by that journal.

<sup>3</sup> This document, dated May 27, 1853, is above, this volume, pt. I, p. 96, note 3.

<sup>4</sup> For this agreement, see above, vol. IV, p. 18, note 4.

was now at an end; and I assured him it could not become the basis of a settlement. He inquired my reasons and I gave them to him at some length.

I stated that this Agreement both recognised and constituted the Mosquito Indians as an Independent Power; which could never be assented to by the United States. That these Indians were totally incapable of governing themselves; and the consequence would be that they must continue to be under the dominion of the British Government as they had been heretofore. That however much we might like Great Britain, we desired her withdrawal from Central America as speedily as possible. This had been our object in concluding the Clayton and Bulwer Treaty; but unfortunately this object had not, as yet been accomplished. Besides, the United States could never recognise the right of Great Britain to a protectorate over the Mosquito Indians.

He then spoke at some length of their ancient and long continued relations with and protectorate of the Mosquitos, adverted to Lord Palmerston's despatch to M<sup>r</sup> Castellon<sup>1</sup> as proving their right, and stated that whilst they earnestly desired to get clear of their protectorate, British honor required that this must be done with a proper regard to the interest and well being of the Mosquitoes.

In answer, I briefly presented, with as much clearness and force as I could, their Treaties with Spain of 1783 and 1786, and the speech of Lord Thurlow &c. &c., and proved, at least to my own satisfaction, that they had no right to exercise such a protectorate. I need not repeat my argument as its main features are embodied in your instructions.<sup>2</sup> Besides, I observed that whatever might have been their rights previously, the Clayton and Bulwer Treaty had expressly prohibited them from exercising any dominion over Central America, and yet, notwithstanding this express prohibition, it was notorious they had continued to exercise exclusive dominion over the whole Mosquito Coast, in the name of a mere shadow, dignified with the title of King of the Mosquitoes. That this treaty never would have been ratified by the Senate of the United States, had it not been believed that it would effect their immediate withdrawal from the Mosquito Coast.

The plan of settlement proposed by Lord John Russel [Russell], in his despatches to Mr Crampton of January 19, 1853,<sup>3</sup> next became the subject of Conversation: and he enquired what I thought of this plan. I told him that taking the two despatches of that date together, it was difficult to comprehend this plan. It appeared, however, that His Lordship, to use his own expression, desired "to make Mosquito a reality instead of a fiction." And he proposed to do this by establishing a Government over the Mosquito Coast, eventually to become independent both of Great Britain and the

<sup>1</sup> Presumably the one dated July 10, 1849, above, vol. III, p. 370, note.

<sup>2</sup> See instruction No. 2, July 2, 1853, above, this volume, pt. 1, doc. 2734.

<sup>3</sup> See them under the date, February 3, 1853, above, this part, doc. 2993.

United States; but in the mean time, and until it should be able to defend itself, to be under their joint protection.

The first objection to this plan was, that it would be unjust to the Central American States and deprive them of a territory to which, in the opinion of my Government they were justly entitled.

Besides, independently of this conclusive objection, such an arrangement would perpetuate strife in Central America. These small states, feeling that injustice had been done to them, by the arbitrary conduct of the two Governments would never cease to be dissatisfied nor discontinue their efforts to have this injustice redressed. In addition, this Territory would become the refuge of the most worthless and lawless population in the world; and that instead of finally settling the question and restoring peace and harmony to Central America the two Governments would make confusion worse confounded and the latter end would be worse than the beginning. To prevent these evils, the best mode was to restore the Central American States to their rights. His Lordship (Russel) had stated that the Mosquito territory extended through six degrees of latitude, along the Caribbean Sea, from the River Roman to the San Juan, with an indefinite extent inwards, containing thirty or forty thousand Indians. Now, if it were at all necessary to discuss the extent of this Territory, I thought I could prove from their own authors,—their own Government officials, that this territory neither extended to the Roman on the North, nor to the San Juan on the South. The claim reminded me of what Mr Clay had termed “a vagrant power” when speaking of the incidental power claimed under the Constitution of the United States, to establish a National Bank. So this claim was “vagrant” in its character, and could be made to expand or contract, or to embrace any spot along the whole coast, at pleasure. And in regard to the number of the Indian population;—if his Lordship had stated it at hundreds, instead of thousands, I believed he would have come nearer to the mark. And then, if my information was correct they were the most miserable and degraded race of savages on the Continent. They had been brought into contact with the very worst species of white population, and whilst they had learned all the vices of civilisation, they had acquired none of its virtues. Then as to their King,—it was known he was drunken & worthless. General Heran [Herran?], formerly minister from New Granada to the United States, had given me a most ludicrous description of his coronation at Jamaica. Why said his Lordship, did they crown him at Jamaica? Yes, said I, they clothed him with royal robes, I believed, of scarlet, seated him upon a throne & placed a crown upon his head, whilst the officers of the British Government treated him with mock homage.

He then asked me if I knew the number of Mosquitoes on the Coast. I told him I did not; but spoke from general information. No census, I presumed, had ever been taken of them; but there were undoubtedly books and

documents in London from which information could be derived on this subject. Here we had some playful conversation concerning the Mosquitoes and their King not proper to be inserted in a grave despatch.

His Lordship then said emphatically that the honor of the British Government absolutely required they should secure some provision for the Mosquitoes and they could not shrink from this duty; but he added they were endeavoring to construct a bridge for the Emperor Nicholas over which he might pass honorably out of the principalities; and asked if we could not assist in constructing a bridge to enable them to pass honorably from the Mosquito protectorate. He said this could not possibly be done without some provision in the Territory for those Indians who had always been its possessors. (Here I ought to say, he observed that he would not like to see his allusion to the Emperor Nicholas in print.) I told him I would make a suggestion upon this subject, (which in fact had just then occurred to me) altogether without authority or instructions from my own Government and without knowing whether it would meet their approbation. He would, therefore, receive it as such in this free conversation, which he promised to do.

I told him that the principle upon which both the British and American Government has acted was to consider the Indians within their respective territories as entitled to a qualified right of occupancy. That whilst the sovereignty of these Governments had always been held to embrace the Indian population within their limits, yet it had been the practice of both to extinguish this quasi Indian title by fair purchase before the whites were permitted to settle upon Indian lands. That it was true the Mosquitoes had long occupied and roamed over portions of this Territory; and therefore provided the sovereignty of Nicaragua was clearly recognised and its exclusive right admitted to purchase this occupancy it was probable that the United States might consent that some territorial provision should be made for these Indians. I did not perceive any valid objection thus to place Nicaragua on the same footing that Great Britain and the United States had always placed themselves in regard to their own Indians; provided all the other questions could be satisfactorily adjusted and the British Government would withdraw from any interference in the concerns of the Mosquitoes and leave them as mere occupants within a portion of the Territory of Nicaragua.

I observed that some thing of this kind might constitute a bridge over which they might pass with honor from the Mosquito protectorate; but again disclaimed all authority to make any such proposition.

The idea seemed to strike him with considerable force; and he said that in this view of the subject it would be important to ascertain the number of the Mosquitoes, with a view to the extent of the territory within which they might be permitted to remain.

He said the objection to this suggestion was that Nicaragua might not act as Great Britain or the United States would act towards these Indians under similar circumstances, but might cheat them out of their possessions, or expel them by force; and again repeated what he had more than once done before, that the honor of Great Britain required that they should make some provision for these Indians in their own territory, before abandoning them. He stated that probably something might be made of this idea, provided it were stipulated that the Mosquitoes should not sell their occupancy to Nicaragua without the approbation of the two Governments. They would take care that those poor Indians should not be cheated and that the price that they obtained for their lands should be secured to them in such a manner as to do them good. He then made many enquiries of me as to the manner in which our Government had treated the Indians and to what degree of civilisation they had attained;—all of which I answered.

Here there was a pause in the conversation, & I waited for some moments, in expectation that he would introduce the subject of the "Bay Islands". Discovering that this was not his intention, I said, "My Lord, & what of the "Bay Islands"? He answered,—these Islands were of small importance & we need not make a Mountain out of a Mole Hill: they had always been in possession of Ruatan & what they had recently done was merely to give the British subjects settled there a new & more perfect form of government. They had long previously had their magistrates on that Island.

I replied:—"Whatever you may suppose, I can assure you this is the dangerous question; because we firmly believe that the establishment of the Colony is a direct violation of the Clayton & Bulwer Treaty. By your Treaties with Spain of 1783 & 1786, you expressly abandoned all pretensions to this portion of the Continent of Spanish America & its adjacent Islands; & these Treaties were carried into execution. Johnston's Dictionary of Geography, a high authority, published at London in 1851, under the title "Ruatan", declares expressly that you had abandoned this Island;<sup>1</sup> & Crowe in "The Gospel in Central America", published at London in 1850, states that it was captured from Honduras by the British, so late as 1841. Thus it appears that but a brief period has elapsed since you resumed the possession of Ruatan, after having abandoned it for many years in obedience to your Treaties with Spain".

I then asked his Lordship, if he had received M<sup>r</sup> Mason's report to the Senate of the United States, in relation to their new Colony of the "Bay Islands". He answered, he believed it had been sent to him; but intimated that he had never perused it with care. I produced the report & read from it the note on the 5<sup>th</sup> page, relative to the capture of Ruatan from Honduras; & then offered to leave it with him, which I did, after his expressed wish to that effect. I proceeded;—

<sup>1</sup> A footnote at this point in the despatch reads, "The edition of 1852 is entirely different!"

Even if it were a fact, that you had always been in possession of Ruatan, still your obligation to withdraw from it would, in my opinion, be imperative, under the Clayton & Bulwer Treaty. What have the United States accomplished by this Treaty? Nothing, literally nothing. So far as we are concerned, it has hitherto proved to be a mere dead letter. It stipulates that you shall not use your alleged protectorate for the purpose of assuming or exercising dominion over any part of Central America; & yet it cannot be denied, that you still continue to exercise the very same exclusive dominion over the Mosquito territory that you had done before its conclusion.— In regard to Ruatan & the other small Bay Islands, within sight of the coast of the State of Honduras,—all of them clearly Central American Islands,—these are free from the questions arising out of the Mosquito protectorate; and yet you have not withdrawn from them in obedience to the Treaty; but since its date, you have not only continued to occupy them & exercise dominion over them, but have actually converted them into a new Colony. Let me assure you that this will be considered a most important question by the Congress & people of the United States; & I have no doubt they will arrive at the same conclusion with the Committee of Foreign Relations of the Senate.

His Lordship then inquired, if we believed the Treaty required them to withdraw from Belise [Belize]. I replied that this was a question which rested on a somewhat different ground from the others, provided they confined themselves to the boundaries & the terms prescribed by the Treaty of 1786; and I purposely said no more on this branch of the subject.

He asked what was to become of Greytown? And I promptly answered; "Let it be restored to Nicaragua; the two Governments taking ample security from that State to make it a free port, according to the terms of the Treaty['].".

We then went off into a discussive conversation introduced by his Lordship, about grants which had been made by the Mosquito King to Englishmen & Americans & the Poyais grants on Black River;—which it would be tedious & useless to detail.

In the course of this conversation, I told him that whilst our good mother had been all the time engaged, for one hundred and fifty years, in annexing one possession after the other to her dominions, until the sun now never set upon her empire, she raised her hands with holy horror, if the daughter annexed territories adjacent to herself, which came to her in the natural course of events. His Lordship replied;—"Well, you must admit, that in this respect, you are a chip of the old block". Very true, I observed; but we could not imagine why England should object to our annexations;—we extended the English language, christianity, liberty & law wherever we went upon our own continent, & converted uninhabited regions into civilised communities from the trade with which they derived great advantages. With much similar conversation, especially in regard to the annexation of Texas, this long interview terminated.

Just as I was about to take my departure, I asked him for the Charter of "the Bay Islands," & he handed me the paper which I now enclose. Upon my return home, I found it to be not the charter; but a proclamation of the Lieutenant Governor of that Colony.<sup>1</sup>

I think I shall not trouble you hereafter, with any more such minute details of conversations between Lord Clarendon & myself. You will perceive that it has been my object to impress his Lordship with the serious & even alarming nature of the Central American questions of which, I am persuaded, he had no just conception. It was for this purpose, I felt so anxious to be authorised to protest, in the name of the President, against the establishment of the Colony of "the Bay Islands".

I am now on such free & easy terms with Lord Clarendon that I can say almost what I please to him, in a kind & respectful manner; but I confess nothing would mortify me more than to see our unreserved conversations in print. Besides, this would altogether destroy my usefulness here & make my situation very disagreeable.

I would thank you to inform me what may be the Presidents opinion of my suggestion to place the Mosquito Indians in the same relation to Nicaragua that our own Indians sustain to the United States. I confess, that after reflection, I can perceive no insurmountable objection to the plan. The most serious difficulty attending it would be to impose any limitation on the right of the Mosquitoes to sell or Nicaragua to purchase their lands, such as that suggested by Lord Clarendon. With the consent of Nicaragua,

<sup>1</sup> The proclamation follows:

*In the name of Her Majesty Victoria of the United Kingdom of Great Britain and Ireland  
Queen Defender of the Faith—*

PROCLAMATION

*By His Excellency Phillip Edmond Wodehouse Esq<sup>r</sup> Lieutenant Governor of the Bay Islands*

Whereas by letter Patent under the Great Seal of the United Kingdom of Great Britain and Ireland bearing date at Westminster the 26<sup>th</sup> day of March last past it is directed, and enjoyed that the said letters Patent be read and proclaimed. And whereas the said letters have been this day read accordingly Now therefore we the Lieut. Governor duly appointed under the authority of the said letters Patent do hereby proclaim and declare that Her Majesty Queen Victoria has been pleased to erect the Islands of Ruatan Bonacca [Bonaca?], Utilia, Helena, Barbarat and Moxat [Barburet and Moret?] into the Colony of the Bay Islands And to constitute and appoint the Captain General and Governor in Chief for the time being over the Island of Jamaica to be the Governor and Commander in Chief for the time being of the said Colony.

And Her said Majesty has required and commanded the said Governor to administer the Government of the said Colony in conformity with the said letters Patent and the instructions to be from time to time given to him and with the Laws to be made and agreed upon by the said Governor with the advice and consent of General Assemblies of the said Colony to be elected in the manner directed by the said letters Patent.

And Her said Majesty has been pleased further to authorize and empower the said Governor by warrant under his hand and seal to constitute and appoint a Lieutenant Governor and also a presiding Magistrate over the said Colony.

Given at Coxon Hole this 2<sup>d</sup> of August in the year of Our Lord 1852.

(signed) P. E. WODEHOUSE

God save the Queen.

however, which his Lordship does not appear much to regard, the object might be accomplished, if this were the only obstacle in the way to a satisfactory adjustment of all the questions. I hope you will let me hear from you on this subject, at your earliest convenience. Please, also, to inform me of the sequel of the agreement between Messrs Webster & Crampton;<sup>1</sup> & send me a document containing the letter of Lord Palmerston to M<sup>r</sup> Castellon.<sup>2</sup> If you can ascertain what is the probable number of the Mosquito Indians, I should be very glad to know it.

Yours very respectfully.

3011

*John F. Crampton, British Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>3</sup>

WASHINGTON, December 15, 1853.

SIR: With reference to our conversation of yesterday in regard to the construction of the first Article of the Treaty signed at Washington on the 19<sup>th</sup> of April 1850, I beg to state, in reply to the inquiry you then made of me, that I feel no objection to placing at your disposal the copy of the opinion of the Queen's Advocate on this subject, drawn up by him for the information of Her Majesty's Government, and which, at your request, I communicated to you unofficially, in the course of a conversation which I had the honor of holding with you on the same subject in the month of May last.<sup>4</sup>

I would remark that I was not instructed by H. M.'s Gov<sup>t</sup> to make any official representation to the Gov<sup>t</sup> of the United States with respect to the interpretation given to the 1<sup>st</sup> article of the Treaty by M<sup>r</sup> Clayton in the Senate of the United States; the correctness of which in some respects is combated by the Queen's Advocate. As the Queen's Advocate's opinion however constitutes a clear statement of the construction of the Article in question, held by H. M.'s Gov<sup>t</sup> to be sound in international law, I can perceive no good reason for withholding it from the official knowledge of the Gov<sup>t</sup> of the United States.

I avail myself [etc.].

<sup>1</sup> See it above, vol. IV, pt. 1, p. 18, note 4.

<sup>2</sup> He presumably refers to the one dated July 16, 1849, above, vol. III, p. 370, note.

<sup>3</sup> Notes from Great Britain, vol. 30. Received December 15.

<sup>4</sup> See Crampton's private note to Marcy, May 19, 1853, above, this part, doc. 3000, and in footnote 1 thereto, p. 495, the opinion of the Queen's Advocate, dated April 15, 1853.



3012

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 19

LONDON, January 5, 1854.

I have not deemed it advisable to press the Central American negotiation since my last interview with Lord Clarendon in November.<sup>2</sup> The causes for this delay have been;—the unsettled condition of the British Cabinet in consequence of the resignation of Lord Palmerston and his subsequent withdrawal of that resignation;—the state of the Russo-Turkish question to which the ministry have been devoting themselves, fruitlessly as it is now believed; to the task of preventing a war between Great Britain and Russia;—and the desire which I felt to receive your instructions in regard to the suggestion which I had made to Lord Clarendon, that the Mosquito Indians might be placed in the same relation to Nicaragua that our own Indians sustain to the United States. Your satisfactory Despatch, No: 21,<sup>3</sup> has removed all doubts on this latter subject.

I have reason to believe that my omission to press the Central American questions at the present most important crisis between Great Britain and Russia has been properly appreciated by Lord Clarendon.

On Monday last, however, I addressed His Lordship a note requesting an interview to which I have received his answer appointing tomorrow, (Friday,) at half past three O'clock for our meeting;—too late for the next steamer. Indeed, I had reason to expect that ere this, he would himself have taken the initiative and have invited me to an interview.<sup>4</sup>

3012a<sup>5</sup>

*Statement of James Buchanan, United States Minister to Great Britain, to Lord Clarendon, British Secretary of State for Foreign Affairs*<sup>6</sup>

LONDON, January 6, 1854.

When the negotiations commenced which resulted in the conclusion of the Clayton & Bulwer Convention of the 19<sup>th</sup> April 1850, the British Government

<sup>1</sup> Despatches, Great Britain, vol. 65. Received January 27.

In the omitted portion at the beginning of the despatch, the writer acknowledges the receipt of four instructions, none of which is included in this publication, except No. 21, dated December 1, 1853, which is above, this volume, pt. 1, doc. 2741; the omitted portion also relates to the means of preventing desertion of seamen.

<sup>2</sup> This interview is reported in Buchanan's despatch No. 16, November 12, 1853, above, this part, doc. 3010.

<sup>3</sup> Above, this volume, pt. 1, doc. 2741, December 1, 1853.

<sup>4</sup> The portion omitted here relates to consular, fishery and reciprocity matters.

<sup>5</sup> Due to a change in arrangement after the documents were numbered, this document has been given the number 3012a.

<sup>6</sup> In the manuscript volume, Despatches, Great Britain, vol. 65, the following note preceded this document, "This Memorandum and Statement is to be attached to & made a part

were in possession of the whole extensive coast of Central America, sweeping round from the Rio Hondo to the Port & Harbor of San Juan de Nicaragua, except that portion of it between the Sarstoon & Cape Honduras; together with the adjacent Honduras Island of Ruatan.

The Government of the United States seriously contested the claim of Great Britain to any of these possessions, with the single exception of that part of the Belise [Belize] settlement, lying between the Rio Hondo & the Sibun, the usufruct of which, for a special purpose and with a careful reservation of his sovereign rights over it had been granted by the King of Spain to the British, under the Convention of 1786.

The progress of events had rendered Central America an object of special interest to all the commercial nations of the world, on account of the Rail Roads & Canals then proposed to be constructed through the Isthmus, for the purpose of uniting the Atlantic & Pacific Oceans.

Great Britain & the United States, both having large & valuable possessions on the shores of the Pacific & an extensive trade with the countries beyond, it was natural that the one should desire to prevent the other from being placed in a position to exercise exclusive control, in peace or in war, over any of the grand thoroughfares between the two Oceans. This was a main feature of the policy which dictated the Clayton & Bulwer Convention. To place the two Nations on an exact equality, & thus to remove all causes of mutual jealousy, each of them agreed, by this Convention, never to occupy, fortify or exercise dominion over any portion of Central America. Both parties adopted this self denying ordinance, for the purpose of terminating serious misunderstandings then existing between them which might have endangered their friendly relations.

Whether the United States acted wisely or not, in relinquishing their right, as an independent nation, to acquire territory in a region on their own Continent which may become necessary for the security of their communication with their important & valuable possessions on the Pacific, is another & a different question. But they have concluded the Convention;—their faith is pledged, & under such circumstances, they never look behind the record.

The language of the Convention is properly mutual, though in regard to the United States, it can only restrain them from making future acquisitions; because it is well known that in point of fact, they were not in the occupation of a foot of territory in Central America. In reference to Great Britain the case is different, & the language applies not only to the future but to the past; because she was then in the actual exercise of dominion over a large portion of the Eastern coast of Central America. Whilst, therefore, the United States had no occupancy to abandon, under the Convention; Great

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of Despatch No. 20 of the 10<sup>th</sup> January 1854. J. B.,'' although from a statement made by Buchanan in that despatch, which is below, this part, doc. 3013, a copy of the memorandum appears not to have been ready to accompany the despatch, and was apparently sent as an enclosure with a later document.

Britain had extensive possessions to restore to the States of Guatemala, Honduras & Nicaragua.

And yet, the British Government, up till the present moment, have not deemed it proper to take the first step towards the performance of their obligations under this Convention. They are still in the actual occupancy of nearly the whole coast of Central America, including the Island of Ruatan, in the very same manner that they were before its conclusion. This delay, on their part, surely cannot proceed from any obscurity in the language of the Convention. The first article declares, that the Governments of the United States & Great Britain agree that neither will "occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America." And from abundant caution,—in view of the Mosquito protectorate, the article proceeds as follows;—"nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any State or people for the purpose of occupying, fortifying or colonizing Nicaragua, Costa Rica, the Mosquito Coast or any part of Central America, or of assuming or exercising dominion over the same". This rendered into plain English is, that the parties shall not exercise dominion over any part of Central America, either directly or indirectly,—either by themselves or in the name of others.

It has been said that the first article of the Convention acknowledges, by implication, the right of Great Britain to the Mosquito protectorate,—right which the United States have always contested & resisted. A right, which would continue to Great Britain that entire control over the Nicaragua ship canal & the other avenues of communication between the two oceans which it was the very object of the Convention to abolish; and, to defeat that equality between the parties in Central America which was its special purpose to secure. Surely the United States could never have been guilty of such a suicidal absurdity.

But admitting for the sake of argument merely, that the United States have acknowledged the existence of this Protectorate, it would be difficult, restricted in its use, as it has been by the Convention, to conceive for what object of the least importance it could be employed. It assuredly could not be for the purpose of "occupying" "the Mosquito Coast", or "of assuming or exercising dominion over the same"; because this has been expressly prohibited by the Convention.

Great Britain has not even retired from the Island of Ruatan, in obedience to the Convention. Here no question can possibly arise from any alleged Mosquito Protectorate. This is clearly a Central American Island belonging to the State of Honduras, & but thirty miles distant from her port of Truxillo. If the Convention plainly embraces any object whatever, this must be Ruatan.

And yet, Great Britain has not only continued to occupy this Island; but, since the date of the Convention, she has actually established a colonial Government over it. And not over it alone,—but adding thereto five other neighbouring Islands, on the Central American coast, has converted them all into the British Colony of the “Bay Islands”. Public sentiment is quite unanimous in the United States, that the establishment of this Colony is a palpable violation both of the letter & the spirit of the Clayton & Bulwer Convention.

Ruatan is well known to be an Island of great value & importance, on account of its excellent harbors, which are rare along that coast. Indeed, it has been described by a Spanish author, “as the Key of the Bay of Honduras & the focus of the trade of the neighbouring Countries.” Such is its commanding Geographical position, that Great Britain, in possession of it, could completely arrest the trade of the United States, on its passage to & from the Isthmus. In vain may the Convention have prohibited Great Britain from erecting or maintaining any fortifications, commanding the Nicaragua Canal, or in other portions of Central America, if she shall continue to exercise dominion over “the Bay Islands.”

The United States now only ask that this Convention shall be faithfully executed by both parties. They wish that every avenue of communication across the Isthmus shall be opened, not merely for their own benefit; but for that of Great Britain & the whole world. In this respect, they would not, if they could, acquire any peculiar advantages, because these might arouse the jealousy & distrust of other nations.

The rights & duties of the respective parties have been ascertained & determined by the Convention itself; but as the justice of the previous claim of Great Britain to her possessions in Central America has been since asserted in high quarters, it may not be improper to present the views of the Government of the United States upon this subject.

It need scarcely be repeated that the United States have always denied the validity of this claim. They believe that Great Britain has surrendered nothing under the Convention, which she would not have voluntarily done, from her own magnanimity & sense of justice, as soon as the question was brought home to her serious consideration.

It would be a vain labor to trace the history of the connection of Great Britain with the Mosquito shore & other portions of Central America, previous to her Treaties with Spain of 1783 & 1786. This connection doubtless originated from her desire to break down the monopoly of trade which Spain so jealously enforced with her American Colonies, & to introduce into them British manufactures. The attempts of Great Britain to accomplish this object were pertinaciously resisted by Spain, & became the source of continual difficulties between the two Nations. After a long period of strife, these were happily terminated by the Treaties of 1783 & 1786, in as clear &

explicit language as was ever employed on any similar occasion; & the history of the time renders the meaning of this language, if possible, still more clear & explicit.

The 6<sup>th</sup> article of the Treaty of peace, of 3<sup>d</sup> September 1783, was very distasteful to the King & Cabinet of Great Britain. This abundantly appears from Lord John Russell's "*Memorials & correspondence of Charles James Fox*". The British Government failing in their efforts to have this Article deferred for six months finally yielded a most reluctant consent to its insertion in the Treaty.

Why this reluctant consent? Because the 6<sup>th</sup> Article stipulates, that, with the exception of the territory between the River Wallis or Belise & the Rio Hondo, within which permission was granted to British subjects to cut Logwood, "all the English who may be dispersed in any other parts, whether on the Spanish continent, ('continent Espagnol') or in any of the Islands whatsoever dependent on the aforesaid Spanish continent, & for whatever reason it might be, without exception, shall retire within the District which has been above described in the space of Eighteen months, to be computed from the exchange of ratifications." And the Treaty further expressly provides, that the permission granted to cut Logwood "shall not be considered as derogatory in any wise from his [Catholic Majesty's] rights of sovereignty" over this Logwood District; and it stipulates moreover, "that if any fortifications should actually have been heretofore erected within the limits marked out, His Brittanic Majesty shall cause them all to be demolished, & he will order his subjects not to build any new ones."

But notwithstanding these provisions, in the opinion of M<sup>r</sup> Fox, it was still in the power of the British Government, "to put our [their] own interpretation upon the words 'continent Espagnol', & to determine upon prudential considerations whether the Mosquito Shore comes under the description or not".

Hence the necessity for new negotiations which should determine precisely & expressly the territory embraced by the Treaty of 1783. These produced the Convention of the 14<sup>th</sup> July, 1786; and its very first article removed every doubt on the subject. This declares that "His Brittanic Majesty's subjects, and the other colonists who have hitherto enjoyed the protection of England, shall evacuate the Country of the Mosquitoes, as well as the Continent in general and the islands adjacent, without exception" situated beyond the new limits prescribed by the Convention within which British subjects were to be permitted to cut not only log wood, but Mahogany and all other wood; and even this District is "indisputably acknowledged to belong of right to the Crown of Spain."

Thus what was meant by the "Continent Espagnol" in the Treaty of 1783 is defined, beyond all doubt, by the Convention of 1786; and the sovereignty of the Spanish King over the Mosquito Shore, as well as over every other por-

tion of the Spanish Continent and the Islands adjacent is expressly recognised.

It was just that Great Britain should interfere to protect the Mosquito Indians against the punishment to which they had exposed themselves as her allies from their legitimate and acknowledged sovereign. The 14<sup>th</sup> Article of the Convention, therefore, provides that "His Catholic Majesty, prompted solely by motives of humanity promises to the King of England, that he will not exercise any act of severity against the Mosquitoes inhabiting in part the countries which are to be evacuated by virtue of the present Convention, on account of the connexions which may have subsisted between the said Indians and the English; and his Britannic Majesty, on his part, will strictly prohibit all his subjects from furnishing arms, or warlike stores to the Indians in general situated upon the frontiers of the Spanish possessions."

British honor required that these Treaties with Spain should be faithfully observed; and from the contemporaneous history, no doubt exists but that this was done, that the orders required by the 15<sup>th</sup> Article of the Convention were issued by the British Government and that they were strictly carried into execution.

In this connection a reference to the significant proceedings in the House of Lords, on the 26<sup>th</sup> March 1787, ought not to be omitted. On that day, a motion was made by Lord Rawdon "That the terms of the Convention of July 14<sup>th</sup> 1786, do not meet the favorable opinion of this House." The Motion was discussed at considerable length and with great ability. The task of defending the Ministry on this occasion was undertaken by Lord Chancellor Thurlow, and was most triumphantly performed. He abundantly justified the Ministry for having surrendered the Mosquito Shore to Spain and proved that "the Mosquitoes were not our allies;—they were not a people we were bound by Treaty to protect." "His Lordship repelled the argument that the settlement was a regular and legal settlement with some sort of indignation; and so far from agreeing, as had been contended, that we had uniformly remained in the quiet and unquestionable possession of our claim to the territory, he called upon the noble Viscount Stormont to declare, as a man of honor, whether he did not know the contrary."

Lord Rawdon's motion to condemn the Convention was rejected by a vote of 53 to 17.

It is worthy of special remark that all sides of the House, whether approving or disapproving the Convention, proceeded upon the express admission that it required Great Britain, employing its own language, to "evacuate the Country of the Mosquitoes." On this question the House of Lords were unanimous.

At what period, then, did Great Britain renew her claims to "the country of the Mosquitoes, as well as the Continent in general and the Islands adjacent without exception." It certainly was not in 1801, when under the

Treaty of Amiens she acquired the Island of Trinidad from Spain, without any mention whatever of future acquisitions in America. It certainly was not in 1809, when she entered into a Treaty of alliance offensive and defensive with Spain to resist the Emperor Napoleon in his attempts to conquer the Spanish Monarchy. It certainly was not in 1814 when the Commercial Treaties which had previously existed between the two Powers, including, it is presumed, those of 1783 and 1786 were revived. On all these occasions there was no mention, whatever, of any claims of Great Britain to the Mosquito protectorate or to any of the Spanish American territories which she had abandoned.

It was not in 1817 and 1819 when Acts of the British Parliament (57 & 59 Geo: 3<sup>rd</sup>) distinctly acknowledged that the British settlement at Belise, was "not within the territory and dominion of His Majesty;" but was merely "a settlement for certain purposes in the possession and under the protection of His Majesty";—thus evincing a determined purpose to observe with the most scrupulous good faith the Treaties of 1783 and 1786 with Spain.

In the very sensible book of Captain Bonnycastle of the Corps of British Royal Engineers, on Spanish America, published at London in 1818, he gives no intimation whatever that Great Britain had revived her claim to the Mosquito Protectorate. On the contrary, he describes the Mosquito Shore as "a tract of country which lies along part of the Northern and Eastern shore of Honduras," which had "been claimed by the British." He adds, "the English held this country for eighty years and abandoned it in 1787 and 1788."

Thus matters continued until a considerable period after 1821, in which year the Spanish Provinces composing the Captain Generalship of Guatemala asserted and maintained their independence of Spain. It would be a work of supererogation to attempt to prove, at this period of the World's history, that these Provinces having by a successful revolution become independent States, succeeded, within their respective limits, to all the territorial rights of Spain. This will surely not be denied by the British Government which took so noble and prominent a part in securing the independence of all the Spanish American provinces.

Indeed Great Britain has recorded her adhesion to this principle of international law in her Treaty of the 26<sup>th</sup> December 1826, with Mexico, then recently a revolted Spanish Colony. By this Treaty, so far from claiming any right beyond the usufruct which had been conceded to her under the Convention with Spain of 1786, she recognises its continued existence and binding effect as between herself and Mexico by obtaining and accepting from the Government of the latter a stipulation that British subjects shall not be "disturbed or molested in the peaceable possession and exercise of whatever rights, privileges and immunities they have at any time enjoyed within the limits described and laid down" by that Convention. Whether

the former Spanish Sovereignty over Belise, subject to the British usufruct, reverted of right to Mexico or to Guatemala may be seriously questioned; but, in either case, this recognition by Great Britain is equally conclusive.

And here it may be appropriate to observe, that Great Britain still continues in possession not only of the District between the Rio Hondo and the Sibun, within which the King of Spain under the Convention of 1786 had granted her a license to cut mahogany and other woods; but the British settlers have extended this possession south to the River Sarstoon, one degree and a half of latitude beyond "the limits described and laid down" by the Convention. It is presumed that the encroachments of these settlers south of the Sibun have been made, without the authority or sanction of the British crown; and that no difficulty will exist in their removal.

Yet, in view of all these antecedents, the island of Ruatan belonging to the state of Honduras and within sight of its shores was captured in 1841 by Colonel M'Donald, then Her Brittanic Majesty's Superintendent at Belise, and the flag of Honduras was hauled down and that of Great Britain was hoisted in its place. This small state, incapable of making any effectual resistance was compelled to submit, and the island has ever since been under British control. What makes this event more remarkable is that, it is believed, a similar act of violence had been committed on Ruatan by the Superintendent of Belise, in 1835; but, on complaint by the Federal Government of the Central American states then still in existence, the act was formally disavowed by the British Government and the island was restored to the authorities of the Republic.

No question can exist but that Ruatan was one of the "Islands adjacent" to the American Continent, which had been restored by Great Britain to Spain under the Treaties of 1783 and 1786. Indeed, the most approved British Gazetteers and Geographers, up till the present date have borne testimony to this fact, apparently without information from that hitherto but little known portion of the World, that the Island had again been seized by Her Majesty's Superintendent at Belise and was now in possession claimed by Great Britain.

When Great Britain determined to resume her dominion over the Mosquito Shore, in the name of a protectorate, is not known with any degree of certainty in the United States. The first information on the subject in the Department of State at Washington was contained in a Despatch of the 20 January 1842 from William S. Murphy Esquire, Special Agent of the American Government to Guatemala,<sup>1</sup> in which he states that in a Conversation with Colonel M'Donald at Belise, the latter had informed him, he had discovered and sent documents to England which caused the British Government to revive their claim to the Mosquito territory.

According to Bonnycastle, the Mosquito Shore "lies along part of the

<sup>1</sup> Above, vol. III, doc. 804.



Northern and Eastern shore of Honduras"; and by the Map which accompanies his work extends no further south than the mouth of the river Segovia in about 12° North Latitude. This respectable author certainly never could have imagined that it extended south to San Juan de Nicaragua, because he describes this as the principal seaport of Nicaragua on the Caribbean Sea, says there are "three portages" between the Lake and the mouth of the River, and "these carrying places are defended, and at one of them is the Fort St Juan, called also the Castle of Neustra Senora [Nuestra Señora], on a rock and very strong; it has thirty six guns mounted, with a small battery, whose platform is level with the water; and the whole is enclosed on the land side by a ditch and rampart. Its garrison is generally kept up at a hundred infantry, sixteen artillery men, with about sixty of the militia and is provided with batteaux which row guard every night up and down the stream." Thus it appears that the Spaniards were justly sensible of the importance of defending this outlet from the lake of Nicaragua to the Ocean; because as Captain Bonnycastle observes, "this Port [San Juan] is looked upon as the Key of the Americas, and with the possession of it and Realejo on the other side of the Lake, the Spanish colonies might be penalized by the enemy being then master of the ports of both oceans." He might have added that nearly sixty years ago, on the 26 February 1796, the Port of San Juan de Nicaragua was established as a Port of Entry of the second class by the King of Spain.

Captain Bonnycastle, as well as the Spaniards, would have been greatly surprized had they been informed that this Port was a part of the dominions of His Majesty the King of the Mosquitoes, and that the cities and cultivated territories of Nicaragua surrounding the lakes Nicaragua and Managua had no outlet to the Caribbean sea, except by his gracious permission. It was, therefore, with profound surprize and regret, the Government and people of the United States learned that a British force on the 1 of January 1848 had expelled the state of Nicaragua from San Juan; had hauled down the Nicaraguan flag and had raised the Mosquito flag in its place. The ancient name of the Town, San Juan de Nicaragua, which had identified it in all former time, as belonging to Nicaragua, was on this occasion changed and thereafter it became Greytown.

These proceedings gave birth to serious apprehensions throughout the United States that Great Britain intended to monopolise for herself the control over the different routes between the Atlantic and Pacific, which, since the acquisition of California, had become of vital importance to the United States. Under this impression it was impossible that the American Government could any longer remain silent and acquiescing spectators of what was passing in Central America.

Mr. Monroe, one of our wisest and most discreet Presidents, announced in a public message to Congress, in December 1823, that "the American conti-

nents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered subjects for future colonization by any European Powers." This declaration has since been known throughout the world as "*the Monroe Doctrine*", and has received the public and official sanction of subsequent Presidents, as well as of a very large majority of the American people.

Whilst this doctrine will be maintained whenever in the opinion of Congress the peace and safety of the United States shall render this necessary; yet to have acted upon it in Central America might have brought us into collision with Great Britain,—an event always to be deprecated, and if possible avoided. We can do each other the most good and the most harm of any two nations in the world; and therefore it is our strong mutual interest, as it ought to be our strong mutual desire, to remain the best friends. To settle these dangerous questions, both parties wisely resorted to friendly negotiations, which resulted in the Convention of April 1850. May this prove to be instrumental in finally adjusting all questions of difficulty between the parties in Central America, and in perpetuating their peace and friendship!

Surely the Mosquito Indians ought not to prove an obstacle to so happy a consummation: Even if these savages had never been actually subdued by Spain, this would give them no title to rank as an independent state, without violating the principles and the practise of every European Nation, without exception, which has acquired territory on the Continent of America. They all mutually recognised the right of discovery, as well as the title of the discoverer to a large extent of interior territory though at the moment occupied by fierce and hostile tribes of Indians. On this principle, the wars, the negotiations, the cessions, and the jurisprudence of these nations were founded. The ultimate dominion and absolute title belonged to themselves, although several of them, and especially Great Britain, conceded to the Indians, a right of mere occupancy, which however, could only be extinguished by the authority of the nation within whose dominions these Indians were found. All sales or transfers of territory made by them to third parties were declared to be absolutely void; and this was a merciful rule even for the Indians themselves, because it prevented them from being defrauded by dishonest individuals.

No Nation has ever acted more steadily upon these principles than Great Britain; and she has solemnly recognised them in her Treaties with the King of Spain of 1783 and 1786, by admitting his sovereignty over the Mosquitoes.

Shall the Mosquito tribe of Indians constitute an exception from this hitherto universal rule? Is there any thing in their character or in their civilization which would enable them to perform the duties and sustain the responsibilities of a sovereign state in the family of nations?

Bonnycastle says of them that they "were formerly a very powerful and

numerous race of people: but the ravages of rum and the small pox have diminished their number very much." He represents them, on the authority of British settlers, as seeming "to have no other religion than the adoration of evil spirits." The same author, also, states, that "the warriors of this tribe are accounted at fifteen hundred." This possibly may have been correct in 1818, when the book was published; but at present serious doubts are entertained whether they reach much more than half that number. The truth is, they are now a debased race and are degraded even below the common Indian standard. They have acquired the worst vices of civilization from their intercourse with the basest class of the whites, without any of its redeeming virtues. The Mosquitoes have been thus represented by a writer of authority who has recently enjoyed the best opportunities for personal observation: That they are totally incapable of maintaining an independent civilized Government is beyond all question. Then in regard to their so called King. Lord Palmerston in speaking of him to Mr Rives, in September 1851, says, "they had what was called a King—who, by the bye, he added in a tone of pleasantry was as much of a king as I or you."<sup>1</sup> And Lord John Russel [Russell], in his Despatch to Mr. Crampton of the 19<sup>th</sup> January 1853,<sup>2</sup> denominates the Mosquito Government as "a fiction"; and speaks of the King as a person, "whose title and power are, in truth, little better than nominal."

The moment Great Britain shall withdraw from Bluefields, where she now exercises dominion over the Mosquito shore, the former relations of the Mosquitoes to Nicaragua and Honduras, as the successors of Spain, will naturally be restored. When this event shall occur, it is to be hoped, that these states, in their conduct towards the Mosquitoes and the other Indian tribes within their territories will follow the example of Great Britain and the United States. Whilst neither of these has ever acknowledged or permitted any other nation to acknowledge any Indian tribe within their limits, as an independent people, they have both recognised the qualified right of such tribes to occupy the soil, and as the advance of the white settlements rendered this necessary, have acquired their title by a fair purchase.

Certainly it cannot be desired that this extensive and valuable Central American Coast, on the highway of nations between the Atlantic and the Pacific, should be appropriated to the use of three or four thousand wandering Indians, as an independent State, who would use it for no other purpose than that of hunting and fishing and savage warfare. If such an event were possible, the Coast would become a retreat for pirates and outlaws of every nation, from whence to infest and disturb the commerce of the world in its transit across the Isthmus. And but little better would be its condition, should a new Independent state be established on the Mosquito Shore.

<sup>1</sup> For this quotation see Rives's despatch No. 3, September 25, 1849, above, this part, doc. 2872, instead of 1851 as stated above.

<sup>2</sup> See above, this part, under the date, February 3, 1853, doc. 2993.

Besides, in either event, the present Central American States would deeply feel the injustice which had been done them in depriving them of a portion of their territories. They would never cease in attempts to recover their rights; and thus strife and contention would be perpetuated in that quarter of the world, where it is so much the interest both of Great Britain and the United States, that all territorial questions shall be speedily, satisfactorily and finally adjusted.

## 3013

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 20

LONDON, January 10, 1854.

SIR: I had a long interview, on Friday last, with Lord Clarendon, at the Foreign Office. We had much desultory & pleasant conversation on various topics; but, in my report, I shall confine myself to the substance of what passed between us, in relation to the pending questions between the two Governments.<sup>2</sup> . . .

After our conversation had ended on the Fishery & Reciprocity questions, he informed me that he had presented my suggestion to the Cabinet; that Nicaragua should treat the Mosquitoes within her limits as Great Britain & the United States treated their own Indians, under similar circumstances;<sup>3</sup> & they thought, as he had done, that it was highly reasonable. I told him I was glad to learn this, & was happy to inform him I could now state from advices received by the last Steamer that you were of the same opinion.<sup>4</sup>

He then asked, in what manner shall we carry this into effect? and intimated that the appointment of Commissioners by the two Governments for this purpose, might be the best mode of proceeding. I told him I was not then prepared to express an opinion on the subject; but would take it into consideration. The proportion of territory to be occupied by the Mosquitoes, until their title was extinguished by Nicaragua, ought to depend very much upon their number. Lord John Russell had stated this to be thirty or forty thousand whilst from my information, which was, however, vague, it did not exceed as many hundreds. He replied that M<sup>r</sup> Green, the British Consul & agent at Bluefields was now in London & had mentioned to him that my estimate of their number was probably correct in regard to the

<sup>1</sup> Despatches, Great Britain, vol. 65. Received January 30.

<sup>2</sup> The omitted portion relates chiefly to fishery and reciprocity questions.

<sup>3</sup> See Buchanan's despatch No. 16, November 12, 1853, above, this part, doc. 3010, reporting this suggestion he had made to the British Secretary of State for Foreign Affairs.

<sup>4</sup> He presumably refers to Marcy's instruction No. 21, December 1, 1853, above, this volume, pt. 1, doc. 2741.

Mosquitoes North of the San Juan, though there might be a thousand more; but that the Mosquitoes south of the San Juan were so numerous as to render Lord John's estimate of the whole not excessive. I told him I had never heard that any portion of this tribe resided in Costa Rica & I thought there must be some mistake in the statement of M<sup>r</sup> Green.

He then asked what we should do with the grants of land which had been made to individuals by the King of the Mosquitoes; & I answered, that under the law of all European nations, since the discovery of America, as well as by the uniform practice both of Great Britain & the United States, such grants made by Indians were absolutely void. I, also, stated to him somewhat in detail, the decision on this point made by the Supreme Court of the United States, in the case of *Johnson v M'Intosh* (8 Wheaton 543) to which he appeared to listen, with marked attention.

After this, we had a discursive & rambling conversation embracing the Ruatan & Belise [Belize?] questions, the Clayton & Bulwer Treaty & several other matters, which I do not propose to detail. In the course of it, he stated distinctly that this Treaty was, in their opinion entirely prospective in its operation & did not require them to abandon any of their possessions in Central America. At this I expressed my astonishment, & we discussed the point, in an earnest but good natured manner.

In regard to Ruatan;—he said he had the papers in a box before him to prove their title to that Island; but it would consume too much time to read them, & therefore, he had thought of submitting his views to me respecting it in writing. This suggestion pleased me much, as I desired to present to His Lordship a memorandum which I had prepared embracing our whole case in Central America.<sup>1</sup> I told him, therefore, I should be much gratified to receive his views in writing; & at the same time informed him, that without changing our mode of personal conference, I desired also, to deliver him a written memorandum to which he might at all times refer, containing a statement of the case on the part of my Government. With this, he expressed himself to be much pleased. I am sorry that I shall not be able to furnish you a copy of this memorandum by the present Steamer.

One incident may be worth particular mention. In the course of the conversation, he said the Bay Islands were but of little value; but if British honor required their retention, they could never be surrendered. I made some playful remark in reference to the idea of British honor being involved in so small an affair. He then became quite earnest on the point of honor which might, he observed, be as much involved in subjects of little as of great value. To this I assented; but said that when the construction of a Treaty was really doubtful, which I did not admit upon the present occasion, & when the friendly relations between two great countries were at stake, there could, in such a case, be no point of honor involved in the one yielding

<sup>1</sup> Above, this part, doc. 3012a, January 6, 1854.

to the other, what was admitted to be of but little value. He replied that in this view of the case, I might be correct.

In regard to Belize, there was not the least appearance of yielding on the part of his Lordship. He repudiated the idea with some warmth that any person should suppose they had surrendered this settlement under the Clayton and Bulwer Treaty.

From all that passed, my impression is that, in addition to the Mosquito Shore, they will finally, after a struggle, agree to abandon the Bay Islands; but I am thoroughly convinced they will never consent to surrender Belize,—most certainly not that portion of it the usufruct of which for particular purposes was granted to them by the King of Spain under the Treaties of 1783 and 1786. Johnston, in his general Gazetteer says that "Belize is now the Depot of British manufactured goods and foreign merchandize designed for Central America. Amount of imports from £400.000 to £500.000; exports about the same. 9000 tons of British shipping employed in the trade."

The time has, therefore, arrived when it becomes indispensable that I should receive the President's instructions on this point. In forming his opinion, it may be worthy of consideration, that the British have been in the actual possession of Belize, under Treaty, for more than seventy years; that no period was fixed when they should withdraw from this possession; that Spain declared war against Great Britain on the 11<sup>th</sup> October 1796; that an attack was made from Yucatan on Belize in 1798 which was repelled by the British settlers; and that for nearly a quarter of a century, it has been under a regular Colonial Government, without attracting the notice of the United States.

In any event I shall do my whole duty, in first urging their withdrawal from the whole Colony: And if that should not prove successful, then from the portion of it south of the Sibun;—but what am I to do, in case I shall be unsuccessful in both or either of these particulars? I shall await your answer, with considerable anxiety.

When I pointed out to Lord Clarendon, on Bailey's map which lay before him, the extent of the encroachments which British settlers had made beyond the Treaty limits; his only answer was, in a tone of pleasantry, that we ought not to complain of encroachments and instanced our acquisition of Texas. I then took occasion to give him information on this subject for which he thanked me and said that he had never understood it before.

Returning again to the Mosquitoes; am I to consent that they shall continue in the occupation of the territory assigned to them by the agreement between Messrs. Webster and Crampton of April 30<sup>th</sup> 1852,<sup>1</sup> until their title shall be extinguished by Nicaragua? Whether this assignment be unreasonable or not would depend much upon their number. You can doubtless

<sup>1</sup> For this agreement, see above, vol. iv, p. 18, note 4.

ascertain at Washington whether any considerable number of the tribe inhabit the Country south of the San Juan as stated by M<sup>r</sup> Green.

In regard to the Mosquitoes, the question of the greatest difficulty would seem to be, in what manner can Great Britain and the United States interpose, as suggested by Lord Clarendon, to prevent Nicaragua from depriving these Indians of their right of occupancy without a fair equivalent. It would seem that this could be best accomplished by a Treaty with Nicaragua. The whole detail presents embarrassments which will be annoying without the consent of Nicaragua; and yet I am persuaded the British Government care little or nothing for this consent. They have evidently formed a very unfavorable opinion of that State, and greatly prefer Costa Rica. It would appear from what his Lordship informed me Mr. Marcoleta had told M<sup>r</sup> Crampton, that Costa Rica is jealous of the influence of Nicaragua with the United States.

You would naturally desire to know something of His Majesty the present King of the Mosquitoes. I had on a former occasion stated to Lord Clarendon that he was drunken and worthless. At this interview his Lordship informed me I was mistaken; that the present King was a decent and well behaved youth of between 22 and 23 who resided in M<sup>r</sup> Green's family; though he believed his late Majesty to whom I had doubtless referred was a bad fellow!

Yours very respectfully.

3014

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 22

LONDON, January 20, 1854.

Since the date of my last Despatch,<sup>2</sup> I have heard nothing from Lord Clarendon on the Central American questions, except the formal acknowledgement of "the receipt, on the 14<sup>th</sup> Instant, of M<sup>r</sup> Buchanan's memorandum, dated the 6<sup>th</sup> Instant, relative to Central America and Mosquito."<sup>3</sup> I await, with considerable interest, His Lordship's promised exposition of the British title to the Island of Ruatan.

And here I ought to mention, that the trouble and confusion incident to my own removal and that of the Legation, to the house which I have taken, (No. 56 Harley Street, Cavendish Square) together with other circumstances,

<sup>1</sup> Despatches, Great Britain, vol. 65. Received February 7.

The omitted portion at the beginning of the document relates to a discharged seaman and also to consular affairs.

<sup>2</sup> Buchanan's last despatch, No. 21, dated January 11, 1854, relating to a consular matter, is not included in this publication. He evidently refers here to his No. 20, January 10, 1854, above, this part, doc. 3013.

<sup>3</sup> This memorandum is above, this part, doc. 3012a.

which I need not specify, prevented me from having my statement copied for Lord Clarendon, until the 13<sup>th</sup> Instant.

I would refer you to the London Times of yesterday morning and this morning, the latter especially, for significant notices on the Central American questions. I trust that the debates in the Senate, may not be of such a character as to embarrass my negotiations on this subject.

Yours very Respectfully.

3015

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 25

LONDON, February 24, 1854.

I had an interview with Lord Clarendon at the Foreign Office on Monday last the 17<sup>th</sup> Instant. From the pressure of the war question with Russia and his engagements at the commencement of the Session of Parliament, he was not then prepared to proceed with our negotiations. Indeed, I scarcely expected that he would be, but I deemed it advisable to remind him of their urgency and importance. I told him that the Session of Congress was rapidly passing away and before its adjournment the President would certainly expect to be able to communicate to them the result of the negotiation in regard to the Central American Questions.

3016

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 25 [bis]

LONDON, March 17, 1854.

SIR: Lord Clarendon sent for me yesterday and in compliance with his promise read me the declaration which had been prepared for Her Majesty, specifying the course she had determined to pursue towards Neutral Commerce, during the present war.<sup>3</sup> . . .

In the course of the conversation with His Lordship, I playfully observed that as Great Britain and France did not seem to be content to confine themselves to the regulation of the balance of power in Europe, but were willing

<sup>1</sup> Despatches, Great Britain, vol. 65. Received March 13.

The two omitted portions at the beginning and end of this despatch relate chiefly to routine legation matters and to a discussion on the right of search principle.

<sup>2</sup> Despatches, Great Britain, vol. 65. Received April 1.

<sup>3</sup> The Crimean war.

The portion omitted here comments upon the declaration mentioned in the above paragraph.



to extend their care to our "hemisphere", it might become necessary for us to ally ourselves with Russia for the purpose of counteracting their designs; and I then asked him if he had read the remarks made by General Cass in the Senate on his speech in the House of Lords. He said he had not read the remarks; but the substance of them had been reported to him; that he was very much astonished how any person could suppose they were intended to have the least bearing on the United States; it was evident they were only intended to refer to the joint action of the two Powers on the River Plate and in that region of South America.

I then said I desired to put a distinct question to Your Lordship which I have no doubt from what you have already said you will be willing to answer *totidem verbis*:—"Have Great Britain and France entered into any Treaty or understanding of any kind whatever concerning Cuba, or in relation either to the present or the prospective condition of that island"? He replied, I shall answer you in *totidem verbis*: "Great Britain and France have not entered into any Treaty or understanding, direct or indirect, of any kind whatever concerning Cuba or in relation to the present or prospective condition of Cuba, we have never even thought of such a thing, nor have we the least intention to adopt any such course."

I told him the answer of His Lordship was entirely satisfactory and could not fail to prove highly gratifying to the President. I should communicate it to Governor Marcy by Saturday's Steamer; and he replied, he would feel much obliged to me for doing so. I observed that I had not myself placed the construction on his speech in the House of Lords which General Cass had done; but I might add that a very able and excellent gentleman now in the Foreign Diplomatic Service of the United States in Europe had come to a similar conclusion with the General and had written me seriously on the subject. I referred to Judge Mason, though I did not mention his name.

Believing this to be a convenient opportunity to say something about the Sandwich Islands, I remarked that if the Public Journals were to be credited there was at least one particular in which Great Britain and France appeared to be acting in concert in such a manner as might possibly affect the interests of the United States. I had noticed that Mr. Crampton and the Count de Sartiges had gone together to the Department of State and protested against our acquisition of these Islands. In reply he said he believed there had been an attempt to revolutionize the Sandwich Islands for the purpose of annexing them to the United States, which was headed by Dr. Judd, but this had failed. I said I thought I could venture to assure him that the Government of the United States had, neither directly nor indirectly, instigated this movement to which he assented. One thing, however, I said was certain. Those Islands had been almost completely Americanized. A very large portion of their inhabitants were American citizens, and should the people of the Islands voluntarily express a desire to be annexed to the United States,

in all human probability their request would be granted by Congress. To this he gave me no satisfactory reply, nor did he express any disapprobation; and I did not deem it advisable at the moment to press the subject further. I shall resume it again, in a cautious manner, on the first favorable opportunity, without committing my Government.

Whilst deeply convinced of the very great advantages which would result to our country from the possession of these Islands; I yet cannot be insensible to the fact, that their great distance and their inability to support a sufficient population to defend themselves against a great Naval Power, such as England or France, would render them the only vulnerable point of our territory. In these respects, they differ altogether from Cuba, which, besides, is a necessity.

I again pressed upon his Lordship, the importance of prosecuting our Central American Conferences to a conclusion, informing him that at Washington they would now be expecting from me by every steamer a definitive report on the subject. He again apologized for his delay on account of the pressure upon him of the war questions; but promised *emphatically* that in a very few days, he would send for me and seriously resume our conferences. I hope that, in the meantime, I may hear from the Department. The Collins steamer which was to have left New York on Saturday the 4<sup>th</sup> Instant, has not yet arrived.<sup>1</sup>

## 3017

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 29

LONDON, April 14, 1854.

SIR: On Sunday last, I received a note from Lord Clarendon appointing Tuesday, the 11<sup>th</sup> Instant, at the Foreign Office, for our often promised but long delayed interview on the Central American questions. In his note he says,—“I must again apologise for the delay that has unavoidably taken place & again thank you for your patience.”

Upon our meeting, after the first salutations, his Lordship, referring to my statement of the 6<sup>th</sup> January last,<sup>3</sup> inquired whether in his reply he should treat it as official or as informal. I told him he had perhaps better consider it as official, though viewed in either light it was substantially the same. Hitherto I said I had occupied more time in our conferences than my share & had, in addition, submitted to him, three months ago, a long statement of our

<sup>1</sup> The omitted portion at the end of the document relates to matters not pertinent to this publication.

<sup>2</sup> Despatches, Great Britain, vol. 65. Received April 27.

<sup>3</sup> Above, this part, doc. 3012a.

case in writing; & I now was truly rejoiced that my Government was about to learn, in an authentic form, what steps the British Government intended to take in execution of the Clayton & Bulwer Treaty. He then clearly & distinctly announced, that they considered the Treaty as entirely prospective in its operation & not as interfering with any of their existing possessions in Central America. I replied that according to this construction, Lord Palmerston had put himself to much unnecessary trouble in insisting upon an acknowledgement from M<sup>r</sup> Clayton, before the exchange of ratifications, that the provisions of the Treaty did not embrace Balise [Belize?]. Instead of this, he ought to have desired that this possession should, as well as the rest, enjoy the benefit of the Treaty.

Here a discursive conversation succeeded which I need not repeat, as I am to receive, "*in a very few days*," his Lordship's answer to my statement which will doubtless present the views of the British Government more fully & authentically than a report of this rambling conversation. Lord Clarendon throughout seemed confused & embarrassed & spoke more like a man under the superior influence of others than with the freedom & ease which had characterised his manner on former occasions. Still, his embarrassment may have arisen from what I venture to call their absurd construction of the Treaty. I fear that Lord Palmerston is in the back ground.<sup>1</sup> . . .

As I took my leave & when at the door, his Lordship told me playfully not to write too strongly to Governor Marcy of what had occurred at this interview.

I have time to make but one or two remarks in conclusion. From my own careful observation, as well as from the information of others, I am convinced that a more friendly feeling towards the United States exists among the mass of the English people than has ever done at any former period. They would deprecate nothing so much as a war with our Country; & they are wholly unconscious of the serious difficulties existing between the two Governments. How is a knowledge of these to be brought home to them? In no other manner than by the publication of official documents in the United States; because these & these only will be republished in England. Speeches in Congress, however able & eloquent, are not republished in the Journals of this Country. I am satisfied that if any mode could be devised of bringing the true state of our relations with Great Britain to the knowledge of the British people, public opinion would operate powerfully in favor of a prompt fair & peaceful settlement of the questions in dispute. It was public opinion that, in my judgment, forced the ministry into the existing war. Without this resort, I confess I indulge in no bright hopes of the settlement of the questions entrusted to my management. The Coalition Ministry are too timid & cautious to do what is right without external support. They are now anxious & apprehensive in regard to the consequences to this country

<sup>1</sup> The omitted portion relates chiefly to a discussion on fishery and reciprocity questions.

of the war with Russia, & the uncertain & wavering policy of Austria & Prussia gives them much uneasiness.

I have the honor to acknowledge the receipt of your Despatches, No<sup>o</sup> 32 & 33, both of the 20<sup>th</sup> ultimo.<sup>1</sup>—

Yours very respectfully.

3018

*Statement of Lord Clarendon, British Secretary of State for Foreign Affairs, to James Buchanan, United States Minister to Great Britain*<sup>2</sup>

FOREIGN OFFICE, May 2, 1854.

The substance of the case submitted to Her Majesty's Government by M<sup>r</sup> Buchanan<sup>3</sup> may be briefly stated as follows:

1. That Great Britain, prior to April, 1850, was "in possession of the whole coast of Central America from the Rio Hondo to the Port and Harbor of San Juan de Nicaragua, except that portion of it between the Sarstoon and Cape Honduras, together with the adjacent Honduras island of Ruatan."

2. That the Government of the United States does not understand under what title Great Britain, having abandoned the greater part of these possessions in 1786, resumed them subsequently; nor does it know precisely at what period the protectorate of Great Britain over Mosquito was reestablished, the first intimation which the United States Government had received on the subject being from an American agent in 1842; and that, moreover, Captain Bonnycastle, and other Authorities, had never represented the Mosquito Shore as extending as far as the river and town of San Juan de Nicaragua, which latter the Spaniards had considered a place of much importance, and the Key to the Americas.

3. That it appears to the United States Government that Spain, in virtue of the Treaty of 1786, had a right to object to Great Britain establishing herself on the Mosquito Coast, or assuming the Protectorate of Mosquito; & that Great Britain had by her Treaty with Mexico, recognised that the former Colonies of Spain stood in the same position with respect to other States as Old Spain herself, & inherited the advantages of the ancient Treaties of the Mother Country: that the United States Government had always contested the claim of Great Britain to all the possessions held by her in Central America, with the exception of that portion of the Settlement of Belise, which is situated between the Rio Hondo & the Sibun: that it had always resisted the right of Great Britain to establish a Protectorate over the Mosquitos: and that it had learnt with great surprise & regret that the

<sup>1</sup> Neither is pertinent to this publication.

<sup>2</sup> Despatches, Great Britain, vol. 66; enclosed with Buchanan to the Secretary of State, No. 31, May 5, 1854, below, this part, doc. 3019.

<sup>3</sup> Above, this part, doc. 3012a, January 6, 1854.

British forces had in 1848 expelled the Nicaraguan Authorities, which held the Port & Town of San Juan de Nicaragua in virtue of the Old Spanish rights, & had then hoisted thereupon the flag of the Musquitos.

4. That M<sup>r</sup> Monroe, when President of the United States, had, in 1823, announced in a public Message to Congress that the American Continents were not henceforth to be considered subject to Colonization by European Powers.

5. That no claim on the part of Great Britain to act in the name or under the authority of the Mosquito Indians could be well founded inasmuch as that race, even if never conquered by Spain were savages, who, according to the practise & principles of all European Nations which had ever acquired territory on the Continent of America, had no title to rank as independent States in the territory they occupied, but had a claim to mere occupancy thereon, such territory being the dominion of the discoverer of it, or even of the discoverer of territory on the same Continent, though far distant from it, by whom alone this claim to mere occupancy on the part of the Indians was to be extinguished by purchase, as the advances of the White Settlements rendered it necessary.

And, finally, that Great Britain, having declared by Treaty in 1850, that she would neither colonize, fortify, occupy, nor assume dominion over Mosquito or Central America, was, thereby, at all events, bound to withdraw her protection from the people & territory of the Mosquitos, & moreover to deliver up Ruatan, which was an Island belonging to Honduras, a Central American State, but which, nevertheless, had recently been colonized & occupied by Great Britain.

Such are the main points brought forward by M<sup>r</sup> Buchanan in the Statement which he has delivered to Her Majesty's Government.

If, in speaking of the possessions held by Great Britain previous to 1850 on the coast of Central America, (the settlement of Belise excepted,) M<sup>r</sup> Buchanan means that his expressions should apply to that district which is called the Mosquito Country, it is proper that Her Majesty's Government should at once state that Her Majesty has never held any *possessions* whatsoever in the Mosquito Country. But although Great Britain held no *possessions* in the Mosquito Country She undoubtedly exercised a great & extensive influence over it as the protecting ally of the Mosquito King; that King or Chief having occasionally been even crowned at Jamaica under the auspices of the British Authorities.

The United States Government will, it is apprehended, scarcely expect that Great Britain should enter into any explanation or defence of her conduct with respect to acts committed by her nearly forty years ago, in a matter in which no right or possession of the United States was involved.

The Government of the United States would, it is conceived, be much & justly surprised if the Government of Great Britain were now to question the propriety of any of its own long past acts by which no territorial right of

Great Britain had been affected: nor would the American people consider any justification or explanation of such acts to foreign States, consistent with the dignity & independent position of the United States.

The Government of the United States, therefore, will not be surprised if the Government of Great Britain abstains on this occasion from entering into any thing which might appear an explanation or defence of its conduct with regard to its long established protectorate of the Mosquitos.

With respect to any right, or any interference, on the part of the Government of Old Spain on the subject of the Mosquito Protectorate, it must be observed that since the peace of 1815, that Government has never raised any question with respect to this Protectorate; & as for Great Britain having by her Treaty with Mexico recognized, as a principle, that the engagement between herself & Spain were necessarily transferred to every fraction of the Spanish Monarchy which now exists, or may exist, on a distinct & independent basis, Her Majesty's Government must entirely deny this assumption. Great Britain, in her Treaty with Mexico, simply stipulates that British subjects should not be worse off under Mexico independent than under Mexico when a Spanish province. It was natural, in recognizing the independence of Mexico, that Great Britain should make such a stipulation: but the fact of her doing so rather proves that she thought a special stipulation necessary, & that she did not conceive that she would have enjoyed under any general principle the privilege she bargained for: & this stipulation as indeed the Treaty itself, is a proof that Mexico was not considered as inheriting the obligations or rights of Spain.

But admitting that it may in some cases be expedient, although not obligatory, to recognize the rights & obligations of Old Spain as vested in the New Spanish-American States: & allowing that, in conformity with that policy, Great Britain might have thought proper to receive, concerning Mosquito, the remonstrances of those neighbouring Republics which have successively risen in America on the ruins of the Spanish empire: even then it may be observed that no remonstrance was made by any of such Republics for many years after the Protectorate of Great Britain over Mosquito had been a fact well known to them: & moreover, that where such remonstrances were made, they were made with similar pretensions, not by one only, but by several, of those Governments, insomuch that if the Mosquito Indians were at this moment withdrawn altogether from the portion of America which they now inhabit, & if it were permitted to the States of Spanish origin to inherit, each respectively, the claims of their parent State, it would still be a question on which of the claimants the territory thus left unoccupied would of right devolve: whilst it is certain that such withdrawal, without previous arrangements, would lead to contests alike disadvantageous to the real interests of the Several States & to the general prosperity of Central America herself.

Thus much with reference to the conduct & position of Spain & the Central American States with regard to the British Protectorate in Mosquito; but with respect to the conduct & position of the United States relative thereto, M<sup>r</sup> Buchanan is mistaken in thinking that the United States Government has always contested & resisted the position assumed by Great Britain on the Mosquito Coast.

It may be true that the United States were not informed of the position of Great Britain in respect to Mosquito until 1842, but they were *then* informed of it: & yet there is no trace of their having alluded to this question in their communications with Her Majesty's Government up to the end of 1849. Nay, in 1850, when the President of the United States presented to Congress various papers relative to the affairs of Central America, it will be seen that on introducing these affairs to the attention of Congress, the President's Secretary of State for Foreign Affairs expressly says that the Government of Nicaragua, in November 1847, solicited the aid of the United States Government to prevent an anticipated attack on San Juan by the British forces acting on behalf of the Mosquito King,<sup>1</sup> but received no answer: that the President of Nicaragua addressed the President of the United States at the same time<sup>2</sup> & received no answer: that in April 1848, the United States Consul at Nicaragua,<sup>3</sup> at the request of the Minister of Foreign Affairs of that Republic, stated the occupation of San Juan by a British force, but was not answered: that on the 5<sup>th</sup> November, 1848, M. Castellon, proceeding to London from Nicaragua, & then to Washington, addressed a letter to the United States Secretary of State,<sup>4</sup> soliciting his intervention with regard to the claims of Great Britain in right of the Mosquito King, & received no answer: that, on the 12<sup>th</sup> of January, 1849, M<sup>r</sup> Bancroft, then Representative of the United States to the Court of S<sup>t</sup> James, referring to M<sup>r</sup> Castellon's arrival in London & the subject of his mission to settle the affairs of San Juan de Nicaragua with the British Government said, "I think it proper to state to you my opinion that Lord Palmerston will not recede. I have of course taken no part:<sup>5</sup> & that again, in March, M<sup>r</sup> Bancroft wrote that M. Castellon would be anxious to seek advice from the United States, but that he had always made answer to him, "that he was not authorised to offer advice".<sup>6</sup>

It would thus seem, on the authority of the United States Government itself, that up to the end of 1849, the United States Government had made no remark or remonstrance to Great Britain on the subject of her Protecto-

<sup>1</sup> See above, vol. III, pt. II, doc. 850, November 12, 1847.

<sup>2</sup> No letter from the President of Nicaragua to the President of the United States, dated November 12, 1847, was found, but he presumably refers to the one dated December 15, 1847, for which see above, vol. III, pt. II, doc. 851, and see comment in note 2 thereto.

<sup>3</sup> Not included in this publication.

<sup>4</sup> Above, vol. III, doc. 872.

<sup>5</sup> This quotation is from Bancroft's despatch No. 112, of the above date, above, this part, doc. 2861. The closing quotation mark was apparently inadvertently omitted here.

<sup>6</sup> This quotation is from Bancroft's despatch No. 123, March 9, 1849, above, this part, doc. 2863.

rate of Mosquito; & that even with respect to the capture of San Juan de Nicaragua (now called Greytown) the United States Minister in London was not authorised to take any steps concerning it, nor even to afford to the Commissioner from Nicaragua the benefit of his Counsels & good offices thereupon: & it is but right to observe that the United States Government pursued by this course towards Her Majesty's Government that friendly & considerate Policy which Her Majesty's Government always wishes to pursue, & has pursued, towards the United States Government when that Government has had differences with other Powers.

With regard to the grounds on which Her Majesty's Government made the capture of San Juan de Nicaragua in 1848, the desire of Her Majesty's Government to avoid all subjects of controversy, on which it is not absolutely necessary to enter, restrains it from here advertng to the documents which stated the reasons on which Her Majesty's Government came to the resolution it at that time adopted; & indeed, as those documents were laid before Parliament & communicated officially to the United States Government, it would be superfluous now to recapitulate their contents.

With regard to the doctrine laid down by M<sup>r</sup> President Monroe in 1823, concerning the future colonization of the American Continents by European States, as an international axiom which ought to regulate the conduct of European States, it can only be viewed as the dictum of the distinguished personage who delivered it: but Her Majesty's Government cannot admit that doctrine as an international axiom which ought to regulate the conduct of European States.

The doctrine with regard to the incapacity of the Indians to exercise the rights of Sovereign Powers, must also remain a doctrine on which each State which has to deal with such Indians must be free to exercise its own policy, & to follow the dictates of its own conscience.

It is certainly true that Great Britain, Spain & the United States were all at one time in the habit of treating the Indian races in the manner which M<sup>r</sup> Buchanan describes: but this past practise, though general, cannot be taken as an invariable guide for any future policy. The period has not yet passed beyond the memory of man at which Great Britain & the United States, now so nobly distinguished in suppressing the Slave Trade, practised & encouraged that trade, & deemed it legitimate.

The project of a Free Republic, composed chiefly of Negroes from the United States, & originally established under the enlightened & humane patronage of the United States, would have been deemed, fifty years ago, an absurd & impossible chimera: yet Liberia exists & now flourishes as an independent State. Already Great Britain, in her own dealings with Indians, has recognised their rulers as independent Chiefs; whilst, in her Treaties with foreign Powers, she has spoken of their tribes as nations, & stipulated for the restoration of their possessions.



Thus on all the above-mentioned topics Her Majesty's Government, without seeking to impose any opinions on the United States Government, claims a right to hold its own opinions: nor does it indeed appear necessary, although doubtless it would be desirable, that Her Majesty's Government & the United States Government should be perfectly agreed with respect to them.

The one remaining subject to be discussed, is, however, of a very different character. It relates to a question in which Great Britain & the United States are both directly concerned, & in regard to which it is a matter both of honour & interest that they should avoid all misunderstandings or disagreements.

This subject is the rightful interpretation of a Treaty engagement to which Great Britain & the United States are parties.

M<sup>r</sup> Buchanan lays it down as a fact that Great Britain held the Sovereignty of the Mosquito Coast prior to 1850, & he then states that Great Britain still continues to hold this sovereignty, although the Treaty of 1850 prohibits her from so doing.

But M<sup>r</sup> Buchanan confounds the two conditions of a Sovereignty & of a Protectorate, & under this error treats the Agreement "not to colonize, nor occupy, nor fortify, nor assume, nor exercise dominion over", as including an agreement not to protect.

With respect to sovereignty, Great Britain never claimed, & does not now claim, or hold, any sovereignty in or over Mosquito; but with respect to the Protectorate which Great Britain has long exercised over Mosquito, Her Majesty's Government asserts that the Treaty of 1850 did not, & was not meant to, annihilate such Protectorate, but simply to confine its powers & limit its influence.

Now the spirit of a Treaty must always be inferred from the circumstances under which it takes place, & the true construction of a Treaty must be deduced from the literal meaning of the words employed in its framing.

The circumstances under which the Treaty of 1850 took place were the following:

Up to March 1849, i. e. one whole year after the capture of San Juan de Nicaragua by the British forces, the United States Government made no observation, as it has already been stated, to the British Government, having any allusion to this act. But in November 1849, M<sup>r</sup> Lawrence, then just arrived in England as the Representative of the United States Government, addressed a note to Lord Palmerston,<sup>1</sup> not asking any question as to the British Protectorate of Mosquito, but requesting to know whether Her Majesty's Government would join with the United States in guaranteeing the neutrality of a ship canal, railway, or other communication between the two

<sup>1</sup> See above, this part, doc. 2876, November 8, 1849.

oceans, to be open to the world, & common to all nations, & whether the British Government intended to occupy, or colonize Nicaragua, Costa Rica, the Mosquito Coast so called, or any part of Central America. To this note Lord Palmerston replied <sup>1</sup> by stating that Her Majesty's Government had no intention to occupy or colonize Nicaragua, Costa Rica, the Mosquito Coast, nor any part of Central America, & that Her Majesty's Government would feel great pleasure in combining & cooperating with the Government of the United States for the purpose of assisting the operations of a Company which might be formed with a view to establish a general communication by Canal or Rail Road across the isthmus separating the Northern & Southern portions of the American Continent, both by offering security for the works while in progress & when completed & in use & by placing such communication through the means of political arrangements, beyond the reach of molestation, disturbance, or obstacles by reason of international disputes which may at any time unfortunately arise; upon the conditions, moreover, that such communication should at all times be open & accessible for the commerce of all nations, & on equal terms for all.

These notes, copies of which are hereunto annexed, are of great importance, inasmuch as they laid the foundation for the subsequent Convention of Washington, whilst they explain the nature of the feelings entertained at that time by the United States Government & by the Government of Her Majesty.

It was clear that the United States Government, which had regarded the affairs of Central America not long before with comparative indifference had had its attention lately called to this part of the world by its acquisition of California & the discovery of the ore which that region was found to contain—circumstances which rendered of vast importance some safe & rapid means of communication between the possessions of the United States on the Pacific, & the possessions of the United States on the Atlantic.

A project of a Canal communication moreover, through the State & Lake of Nicaragua, & the River San Juan was then in contemplation, & Nicaragua had granted to a Company of American Citizens whatever rights it possessed over the proposed line of traffic.

Great Britain however, by having placed a people under her protection in possession of the Port & Town of San Juan de Nicaragua might exert her influence either to prevent this Canal being formed, or if she allowed it to be formed, might aim, through her protectorate, at acquiring over such canal peculiar rights or absolute control.

The Government of the United States was, therefore, justly anxious to know whether the British Government would favor or impede the construction of a canal by the river San Juan, and whether it would attempt to establish a predominant and permanent power over this canal, by colonizing,

<sup>1</sup> See above, this part, doc. 2878.

fortifying, occupying, or taking absolute possession of the country through which it passed.

The mere protectorate of Great Britain, stripped of those attributes which affected the construction and the freedom of the proposed Canal, was of small consequence to the United States; but connected with those attributes, it was a matter of great importance.

On the other hand, Her Majesty's Government, which had just expelled the Nicaraguans from Greytown (or San Juan de Nicaragua) and the country adjacent, and had formally discussed and finally rejected the claims of the Nicaraguan Government to these contested possessions, could not with honor or credit retire, at the mere interposition of the United States, from the position it had assumed, or abandoned the long established British protectorate over the Mosquitos, and allow the authorities of Nicaragua to reoccupy the ground from which they had so recently been driven. But Great Britain could clearly engage herself to the United States to do all that was required respecting the construction and protection of any Canal Communication to be enjoyed on equal terms by all nations, and she could also limit the powers of her protectorate over Mosquito, so as to remove all suspicion or possibility of her using it in any manner that would place such canal-communication under her exclusive Authority and dominion.

Thus, when the drawing up of a Treaty afterwards took place, the object of the British Negotiator, and it must be presumed that of both negotiators, necessarily was to draw up such a convention as without conceding any specific point on which one party could not in honor yield, would make such concessions on all other points as the other party desired and if the Convention in question be referred to it will be seen that it is drawn up carefully in such a manner as to make it a matter of indifference, so far as the canal is concerned, as to whether the port and town of San Juan are under the modified Protectorate of Great Britain, or under the Government of Nicaragua. Moreover, in drawing up this Treaty, both M<sup>r</sup> Clayton and Sir H. L. Bulwer referred to the Notes which had passed between Lord Palmerston and M<sup>r</sup> Lawrence, and even made use of the precise terms which had been there employed, from which it must of necessity be inferred that they meant to transfer to their Convention, with the words which they borrowed, the meaning which had previously been attached to those words in the documents from which they extracted them: and a reference to such documents will at once show that M<sup>r</sup> Lawrence, while he asked Her Majesty's Government whether it meant to occupy, fortify, colonize, or assume or exercise dominion over Mosquito, did not allude to the Protectorate of Great Britain over that Country; and that Lord Palmerston, in declaring that Her Majesty's Government did not intend to do any of these things, expressly left the question concerning the political relations between Great Britain and the Mosquitos untouched.

So much for the spirit which presided over the Convention of 1850.

With regard to the literal meaning, this treaty declares in words that the two parties "Will not occupy, nor fortify, nor colonize, nor assume nor exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, nor any part of Central America;" and that neither party will "make use of any protection which either affords or may afford, or any alliance which either has or may have with any state or people for the purpose of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same.["]

Mr. Buchanan says with regard to that portion of the foregoing sentence which restricts the use which Great Britain or the United States might make of any protection which either might afford to any state or people, it has been said that this article of the Convention acknowledges by implication the protectorate of Great Britain over Mosquito.

Now, Her Majesty's Government does not pretend that in this article the United States acknowledges the aforesaid protectorate of Great Britain in Mosquito; it was never the intention of Her Majesty's Government, or that of the British Negotiator, to obtain indirectly that which was not asked for openly: but it is evident that this article clearly acknowledges the possibility of Great Britain or the United States affording protection to Mosquito or any Central American State, and that the intention of the parties was not to prohibit or abolish, but to limit and restrict such protectorate.

But supposing all mention of protection in the Treaty had been omitted, and that the question at issue merely rested on the words "colonize, fortify, occupy, and assume or exercise dominion over," is there any one of these terms which excludes the right of protection, although each of them limits its capability?

Defending or protecting is a temporary act of friendship; occupying, colonizing, fortifying, or acquiring sovereignty are acts which have a permanent result.

It has never been held that neutral territories or kingdoms over which other kingdoms are prohibited by Treaty from acquiring dominion—which other kingdoms cannot colonize, occupy, nor fortify—may not be defended by such kingdoms at the desire and request of the Neutral State; although it would doubtless be necessary for any nation undertaking such defence to declare formally and promise clearly that it would not turn this transitory and allowable act into one of a continuous nature which engagements had prohibited.

No one will maintain that the bar to colonization or fortifying is a bar to all protection: no one will assert that to afford protection to a State and establish dominion over it are necessarily the same thing: no one will contend that to send a Naval or Military force for the purpose of expelling an enemy from

the territory of an ally, or of punishing his antagonist, is to hold or occupy the territory of that ally or of his enemy.

Were this the sense of the word, as inserted in the Treaty of 1850, as that word is equally applied to all Central America as well as to Mosquito, it would have a far wider signification than Her Majesty's Government contemplated, or than the United States Government would in all probability admit; for in such a case, neither Great Britain nor the United States, could, in any circumstance, employ force, naval or Military, against any Central American State, however great or just the provocation they might receive.

The citizens of the United States, for instance, might, on their way from California to Washington, be arrested and confined on any suspicion or pretext, and the demands of the United States for their release refused. But is it to be argued that under such circumstances the United States could not send an armed force into Nicaragua to compel the release of the citizens from California, and chastise those who had unjustly incarcerated them? The United States Government, however, would be bound to state the object it had in view in sending a force into Nicaragua: it would be bound to declare that it did not mean to colonize, fortify, occupy, or establish its sovereignty over Nicaragua, and by adhering to this pledge its Treaty obligations would be fulfilled.

But surely this dispute as to the nature and meaning of protection is one that should not have arisen with respect to the Treaty of 1850.

The very object and nature of that Treaty ought to manifest that protection is not equivalent to occupation or sovereignty, and that it does not of necessity imply the acquisition of any exclusive advantages to the parties protecting, or give those parties exclusive control over that which is protected.

Great Britain and the United States, by the said Treaty, bind themselves to protect certain canals or railways, which may be formed through various independent states: Great Britain and the United States do not by this protection acquire any right of sovereignty or occupation over such canals or railways, whilst they carefully exclude themselves from having any exclusive control over them and from deriving from them any exclusive privileges.

It is surely unnecessary further to discuss the construction of the Treaty with reference to the protection of Mosquito. That Her Majesty's Government merely expresses now that view of the Treaty which it entertained, and which it had understood that the Government of the United States entertained when the Treaty was concluded, is evident from the fact that within little more than a month after the Treaty of 1850 had been ratified, her Majesty's Minister at Washington entered into further negotiations with the Government of the United States<sup>1</sup> relative to the position of Mosquito,

<sup>1</sup> See above, this part, doc. 2921, August 16, 1850, for the British Minister's note to the Secretary of State; and also the enclosure with it in footnote 2 thereto. The ratifications of the Clayton-Bulwer Treaty were exchanged July 4, and it was proclaimed July 5, 1850.

interpreting the Treaty as Her Majesty's Government now interprets it. That there was nothing extraordinary, unnatural or unfair, in the interpretation thus given to the Treaty by Her Majesty's Government, is equally evident from the fact that such interpretation was at once accepted by the Secretary of State, Mr. Webster, than whom no statesman at that time living, whether in Europe or America, was more fitted to comprehend the spirit or analyze the wording of any international obligation: and that Her Majesty's Government was not at that time, and is not now, animated by any such object as that of obtaining any peculiar influence or control over the river San Juan, or the Canal that may be formed from its waters, is likewise demonstrated by the circumstance worth noting, that the object which Great Britain had in view in pursuing these further negotiations with the United States was that of withdrawing her protection from the very town called Greytown, or San Juan de Nicaragua, and the adjoining territory, and of placing the same in the hands of some Central American State, on conditions in no wise beneficial to herself, or only beneficial in so far as such conditions tended to maintain a state of peace and tranquillity in that part of the world to which they related, and to preserve the Mosquitos in a territory bordering that which was to be ceded, in an inoffensive state of neutrality and security.

Indeed, when Her Majesty's Minister, in a conversation which took place about the end of July 1851, on this subject agreed, on the part of the British Government to assign Greytown to Nicaragua, upon her coming to a fair settlement with Costa Rica, as to some of the points of contention between them and upon her agreeing to leave the Mosquito people unmolested within certain portions of the territory which they now occupy, and over which the Spanish dominion, never, otherwise than nominally extended, M<sup>r</sup> Webster, whilst observing that the United States had no direct interest in any question concerning Nicaragua and Mosquito, except as respected the construction of a canal and its free navigation, and that consequently, he did not wish to take an active part in any negotiations extending beyond these limits, added, addressing himself to the Nicaraguan Minister, who was present, that he considered the offer made by the British Minister was one which the Nicaraguan Government might consider as a fair basis for an arrangement; and Her Majesty's Government then entertained the hope and belief, that by the friendly understanding subsisting between Great Britain and the United States, and the joint efforts of both, such a settlement would be speedily concluded between all the parties interested as would enable Her Majesty's Government to release itself from the duty of protecting or defending Greytown, in which for the time being, a self elected body, in a great measure composed of United States citizens, was carrying on the Government in the name of the King of Mosquito.

The preceding observations comprise all that Her Majesty's Government

has now to say with regard to that portion of Mr Buchanan's statement, to which they have been intended to reply.

But although the connection of Great Britain with Mosquito forms one of the subjects of M<sup>r</sup> Buchanan's communication, another subject not less important is the actual condition of British Honduras Ruatan and the Bay Islands.

It was never in the contemplation of Her Majesty's Government, nor in that of the Government of the United States, that the Treaty of 1850 should interfere in any way with Her Majesty's settlement at Belize or its dependencies.

It was not necessary that this should have been particularly stated, inasmuch as it is generally considered that the term "Central America"—a term of Modern invention—could only appropriately apply to those states at one time united under the name of the "Central American Republics" and now existing as five separate republics: but, in order that there should be no possible misconception at any future period relative to this point, the two negotiators, at the time of ratifying the Treaty, exchanged declarations to the effect that neither of the Governments they represented had meant in such Treaty to comprehend the settlement and dependencies in question.

Mr. Clayton's declaration to Her Majesty's Government on this subject was ample and satisfactory, as the following extract from his note of July 4, 1850,<sup>1</sup> will show:

The language of the first Article of the Convention concluded on the 19<sup>th</sup> day of April last, between the United States and Great Britain, describing the Country not to be occupied &c., by either of the Parties, was, as you know, twice approved by the Government, and it was neither understood by them, nor by either of us, [the Negotiators] to include the British settlement in Honduras, (commonly called British Honduras, as distinct from the state of Honduras) nor the small islands in the neighborhood of that settlement which may be known as its dependencies.

To this settlement and these islands the Treaty we negotiated was not intended by either of us to apply. The title to them it is now, and has been, my intention throughout the whole negotiation, to leave as the Treaty leaves it, without denying or affirming, or in any way meddling with the same just as it stood previously.

The Chairman of the Committee on Foreign Relations of the Senate, the Hon. W. R. King, informs me that the Senate perfectly understood that the Treaty did not include British Honduras.

Such having been the mutual understanding as to the exception of the settlement of Belise and its dependencies from the operation of the Treaty, the only question relative to this settlement and its dependencies in reference to the Treaty, that can now arise, is as to what is the settlement of Belise and its dependencies, or, in other words, as to what is British Honduras and its dependencies.

<sup>1</sup> See it in full, above, this volume, pt. I, doc. 2709.

Her Majesty's Government certainly understood that the settlement of Belise as here alluded to, is the settlement of Belise as established in 1850: and it is more warranted in this conclusion from the fact that the United States had, in 1847, sent a Consul to this settlement, which Consul had received his exequatur from the British Government, a circumstance which constitutes a recognition by the United States Government of the settlement of British Honduras under Her Majesty as it then existed.

Her Majesty's Government at once states this, because it perceives that Mr Buchanan restricts the said settlement within the boundaries to which it was confined by the Treaty of 1786: whilst Her Majesty's Government not only has to repeat that the Treaties with old Spain cannot be held, as a matter of course, to be binding with respect to all the various detached portions of the old Spanish American Monarchy, but it has also to observe that the Treaty of 1786 was put an end to by a subsequent state of war between Great Britain and Spain: that during that war the boundaries of the British settlement in question were enlarged: and that when peace was reestablished between Great Britain and Spain no Treaty of a political nature or relating to territorial limits revived those Treaties between Great Britain and Spain which had previously existed.

Her Majesty's Government, in stating this fact, declares distinctly at the same time, that it has no projects of political Ambition or aggrandizement with respect to the settlement referred to: and that it will be its object to come to some prompt fair and amicable arrangement with the states in the vicinity of British Honduras for regulating the limits which should be given to it, and which shall not henceforth be extended beyond the boundaries now assigned to them.

As to Ruatan and the adjoining islands all that can be debatable as to them is, whether they are island dependencies of Belise or attached to some Central American State.

Now it cannot be disputed that whenever Ruatan has been permanently occupied, either in remote or recent times, by anything more than a military guard or flag staff, the occupation has been by British subjects.

It is true that the Republic of Central America declared that it had had a flag flying in that island from 1821 to 1839: but this fact merely rested on that Republic's declaration, and all that is positively known is that when the British Government were aware that a foreign flag was flying at Ruatan, a British Ship-of-War was sent to haul it down, and since that time no attempt has been made to re-establish it: but on the contrary, when on two or three occasions complaints have been brought by the citizens of Central American States against the settlers in Ruatan to the Commandant of Truxillo, the Commandant has referred them to Belise, telling them that the island was British.

It is, moreover, a fact that Ruatan has been of late years without any



instigation on the part of Her Majesty's Government, spontaneously occupied by British subjects, and that the superintendent of Belise has been in the habit of visiting the island, appointing the magistrates in it, and generally managing its affairs. In going back to Ancient times it is also well known that in 1742 the English were formally settled at Ruatan, and that in the Atlas of the West Indian islands published by Jeffries, the King's Geographer, in 1796, Rattan, or Ruatan, is colored as a British possession: and although this island and that of Bonacea have doubtless been at various times left unoccupied, and at others claimed or held by other powers, it is certain that in 1838, 1839, and 1840, Great Britain not only asserted her right to the same, but declared her intention to maintain that right by force.

These circumstances, without entering further into the subject will at least prove that the pretensions of Great Britain to consider Ruatan and Bonacea dependencies of Belise is of long standing, and existed certainly at the period of the Treaty of 1850. Indeed, M<sup>r</sup> Buchanan, in his statement<sup>1</sup> observes that Ruatan was occupied in 1850 by Great Britain. But if Ruatan was at that time known to be occupied by Great Britain as a settlement of Belise, and the United States Government notwithstanding considered it to have been a portion of Central America and thereby comprehended in the Treaty which Belise and its dependencies were not—the United States Government would beyond doubt have openly stated that it did not consider Ruatan included in the term "island dependencies"; and Great Britain was therefore justified since no such exception was made, in deeming that her claim to Ruatan, as a part of the Belise settlement, was not about to be disputed.

Her Majesty's Government deems that it has by the foregoing observations furnished an adequate reply to the statement of M<sup>r</sup> Buchanan, and proved that the obligations of the Treaty have in no respect been infringed.

But, having performed this duty, Her Majesty's Government desires to say that it would be far more to its satisfaction to arrange on fair terms any differences of opinion with the Government of the United States than to prolong discussion and argument respecting such differences. It has also no difficulty in adding that although it did not, by the Treaty of 1850, abandon the right of Great Britain to protect the Mosquitos, yet it did intend to reduce and limit the exercise of that right.

The practical difference between Great Britain and the United States with regard to the only mutually important portion of Mosquito, namely, that portion to which the construction and condition of the canal which formed the origin & basis of the Treaty of 1850, applies, is very small indeed. That difference does not turn upon the point whether Great Britain should

<sup>1</sup> Above, this part, January 6, 1854, doc. 3012a.

retain her protection over the Port & Town of San Juan & the northern bank of that river, but upon the conditions on which that protection should be withdrawn.

In short, the practical question at issue relative to Greytown & that part of the Mosquito Country bordering upon the river San Juan, is not whether Great Britain should, directly or indirectly, exercise dominion over the same, but whether Nicaragua, or some other equally independent State, should obtain possession thereof in a manner consonant with the honourable obligations of Great Britain, the peace of the Central American Continent, & the safety from persecution of the Mosquito Indians: or, on the other hand, whether Nicaragua should be put in possession of that territory in a manner almost certain to produce hostilities between Nicaragua & Costa Rica, & to lead to the persecution & destruction of the Mosquito people: an alternative to which Great Britain could not consent, & which the Government of the United States could have no motive in acquiring.

It is true that in that more remote portion of the Mosquito territory where the Chief or King of the Mosquitos himself resides, a British Consul or agent also resides: & this resident may often times be called upon to give his opinion or advice to the Mosquito Government, as is usual when weak Governments are in alliance with strong ones, more especially when those strong ones have agreed to protect the weak ones from external aggression, & may therefore reasonably expect to have such influence over their policy as may prevent them from giving just pretext for invasion.

It is true also that Englishmen may thus be in the councils of the King of Mosquito, acting as his Ministers: but Englishmen & Americans both hold the same position in the Sandwich Islands, the government of which is carried on by foreigners, but is nevertheless, (and the race is Indian) considered & treated as independent. To alter this state of things might at the present moment be impossible, but Her Majesty's Government would be ready & willing to enter into such engagements as should prevent Great Britain from receiving any privileges or advantages from the Mosquito Government not granted to other States.

Her Majesty's Government can hardly anticipate any difficulty at this time with the United States respecting the continental establishment of Honduras, the limits of which in 1850 were so well known & can be so easily ascertained, & which will not be extended; but having shewn that its pretensions to the Islands of Ruatan & Bonacea are of no recent date, & that they were unquestioned by the United State's Government in 1850, Her Majesty's Government cannot admit that an alteration in the internal form of Government of these Islands is a violation of the Treaty, or affords a just cause of remonstrance to the United States.

There are at all times two modes of dealing with matters of business between nations: the one calculated to excite mutual irritation, the other to

mitigate it: the one tending to prolong & increase differences, the other to diminish & remove them.

The latter is the mode which Her Majesty's Government earnestly desires in the present instance to adopt & to see adopted: for it can hardly be necessary to say that there is no Government with which the people & Government of Great Britain more sincerely desire to live in intimate & friendly relations than that of the United States. It is in accordance with the spirit which Her Majesty's Government thus distinctly avows, that Her Majesty's Government proposes to that of the United States:

That the two Governments of Great Britain & the United States should at once endeavor to come to some friendly understanding as to the Government which should be definitively formed at Greytown, in order to admit of the Mosquito authority being withdrawn therefrom: & as to the engagements which such Government should enter into with regard to the claims of Costa Rica, & the future non-molestation of the Mosquitos; & that the two Governments should endeavour, in the same manner, to come to some friendly understanding as to the mode by which protection may be most effectually afforded to the Mosquito Indians.

It is the desire of Her Majesty's Government not only to maintain the Convention of 1850 intact, but to consolidate & strengthen it by strengthening & consolidating the friendly relations which it was calculated to cement & perpetuate. His Majesty's Government regrets that any misunderstanding should have arisen with respect to its terms; but it entertains the firm belief that by the explanations it has now given, & the proposals it makes, that misunderstanding will be completely removed.

3019

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 31

LONDON, May 5, 1854.

SIR: Late on Tuesday evening last, I received the long-promised & long-delayed Statement of Lord Clarendon on the Central American questions, dated on the 2<sup>d</sup> Instant, a copy of which I have now the honor to transmit.<sup>2</sup>

Accompanying this Statement I, also, received a private note from His Lordship apologising "for the further delay that has taken place owing to the Easter Holidays & the necessity of consulting some of my (his) colleagues who were out of Town."<sup>3</sup>

The labor of assisting to copy this Statement, in season for tomorrow's Steamer, with other pressing engagements, has left me no time, at the present

<sup>1</sup> Despatches, Great Britain, vol. 66. Received May 20.

<sup>2</sup> Above, this part, doc. 3018.

<sup>3</sup> Not included in this publication.

moment, to make any extended remarks on its character. You will perceive that it is rambling & inconclusive in its arguments & its style is not equal to what might have been expected from Lord Clarendon. For this the cause & not the advocate is probably responsible.

But whatever may be the merits or defects of the Statement as a composition, it would seem to put an end to any reasonable hope of arriving at a satisfactory understanding with the Government of Great Britain as to the true meaning of the Clayton & Bulwer Convention;—or even of effecting any compromise of the Central American questions which the United States could with honor accept—Although the task of answering it is not difficult, I shall be in no hurry to perform this duty, at least until after I shall have learned the President's views in answer to my earnest request, for instructions in relation to certain of these questions, contained in Despatch, No. 20, of the 10<sup>th</sup> January last.<sup>1</sup> These instructions, I have for some time, been anxiously awaiting. Without having first received them, I should be unwilling to offer the counter-propositions, on behalf of my Government, to those of the British Government which will doubtless be expected.

We ought now to place ourselves, upon record in regard to the Central American questions upon such principles as may challenge the approbation of the civilised world.

Yours very respectfully.

3020

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 33

LONDON, May 19, 1854.

SIR: I met Lord Clarendon, on the day before yesterday, by appointment at the Foreign Office, for the purpose of urging upon him the views presented in your Despatch, No. 38, of the 27<sup>th</sup> ultimo in reference to the Blockade of the Russian Ports as affecting American Vessels;<sup>3</sup> . . .

We, also, had some conversation about the Mosquito Coast & the Island of Ruatan in reference to portions of his Statement of the 2<sup>d</sup> Instant.<sup>4</sup> I shall not repeat this, having doubtless already wearied you with too many conversations on Central American Affairs which have hitherto resulted in nothing. I might, however, say, judging from the tenor of his remarks, that I would again have cause to entertain some hopes of settling these questions, had I not been discouraged by past experience. I await with anxiety the instructions which I have requested in relation to Central America.

<sup>1</sup> Above, this part, doc. 3013.

<sup>2</sup> Despatches, Great Britain, vol. 66. Received June 2.

<sup>3</sup> The omitted portion is not pertinent to this publication.

<sup>4</sup> Above, this part, doc. 3018.

Lord Clarendon asked me how the case of the Black Warrior was getting along at Madrid & I told him I did not know. I had heard nothing from there that was satisfactory. He said he had received a letter from Madrid that morning, & a prospect now existed that it would be amicably settled. The Spanish Government, I understood him to say, had offered to remit the fine & restore the property seized, & the remaining questions were about the indemnity & its amount. M<sup>r</sup> Soulé,<sup>1</sup> when he received this proposition, had expressed himself satisfied with it so far as it went, & thought it afforded reason to believe that the question would be satisfactorily adjusted. I expressed my gratification at the information, & embraced the occasion to make a brief statement of the case of the Black Warrior to him, as I understood it from the published Documents. I, also, informed him that this was but one of many cases of injustice, vexation & oppression, on the part of the Cuban Authorities, against Citizens of the United States. He replied, that British subjects had, also, on many occasions suffered from the unjust & arbitrary conduct of these Authorities, & spoke in terms of severity against both them & those of Old Spain.

I give you this information for what it is worth; though you, most probably, will have far more correct information from M<sup>r</sup> Soulé. His Lordship did not mention his authority; but he seemed to attach entire credit to it.

I have the honor to acknowledge the receipt of your Despatch, No. 39, of the 2<sup>d</sup> Instant.<sup>2</sup>

Yours very respectfully.

3021

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 36

LONDON, July 11, 1854.

SIR: I have the honor to acknowledge the receipt of your Despatches No<sup>s</sup> 42, 43, and 44 of the 12<sup>th</sup> 26<sup>th</sup> and 27<sup>th</sup> June respectively.<sup>4</sup>

I am now busily employed in preparing a reply to Lord Clarendon's Statement on Central American Affairs<sup>5</sup> in accordance with your instructions of the 12<sup>th</sup> ultimo. For this purpose the materials in my possession are abundant.

Until I shall dispose of this business, it is not my purpose to commence

<sup>1</sup> United States minister to Spain.

<sup>2</sup> Not pertinent to this publication.

<sup>3</sup> Despatches, Great Britain, vol. 66. Received July 25.

The omitted portion at the end of this despatch relates to the treatment of neutral vessels during the Crimean war.

<sup>4</sup> No. 42 is above, this volume, pt. 1, doc. 2744; No. 43 is not pertinent to this publication; and for No. 44 which is the same as No. 20 to Minister Mason in Paris, of the same date, see above, vol. vi, pt. v, doc. 2494.

<sup>5</sup> This statement is above, this part, May 2, 1854, doc. 3018.

negotiations on the subject of our Postal Convention with Great Britain. After a review of the correspondence upon this subject, I entertain the opinion of M<sup>r</sup> Lawrence that a recognition of our just claims can be obtained from the British Government only by giving the notice to annul the existing Convention. Nevertheless in obedience to your instructions, I shall renew our solicitations. Great Britain never voluntarily yields an advantage.

I feel much obliged to you for the information communicated concerning the case of the Black Warrior. I am on very friendly terms with the Chevalier Comyn, the present Acting Chargé d'Affaires of Spain in this country, who has read me copies of some of M<sup>r</sup> Soulé's Notes to Mr. Calderon and his answers,<sup>1</sup> as well as given me information communicated by the latter of some particulars in the conduct of our Minister of which the Spanish Government think they have cause to complain. Without knowing the fact, I have no doubt that all these things have been regularly communicated to the Governments of France and England, but whether in accordance with the wishes of the Spanish Government I do not know. Chevalier Comyn expresses a strong personal desire that Commissioners might be sent by the United States to Madrid. In selecting these Commissioners, I trust the President will take care that one of them at least shall be a perfect Master of either the Spanish or French language. The former would be preferable.

In regard to the mode of acquiring Cuba, I have expressed my views fully to the President in a letter dated 11 December 1852,<sup>2</sup> and directed to him at Concord, as well as in several conversations with him when I was last in Washington and especially in reference to the appointment of M<sup>r</sup> Belmont who I considered might be rendered very useful in accomplishing the object. I shall by no means despair of success, should the plan indicated in my letter and conversations be steadily pursued in concert. It would be manifestly the interest of the holders of the Spanish debt, as well as of Spain herself, that the Island should be ceded to the United States for a fair pecuniary consideration. Nor do I believe that this Government would interpose any serious obstacles. I am not now certain that I was correct in the statement contained in my letter to the President, that Queen Christina does hold "very large possessions" in Cuba; but it is certain that she derives a large annual income from its revenue. She is very avaricious and in order to secure success it might be necessary to conciliate her interests.

<sup>1</sup> For the correspondence between Mr. Soulé, the United States minister to Spain, and Mr. Calderón, the Spanish Minister of Foreign Affairs, regarding the *Black Warrior* case, prior to this date, see below in the volume and part containing Communications from Spain, under the dates April 8, 11, 12, 13, 18, 20, and May 7 and 7, 1854.

<sup>2</sup> Buchanan did not occupy any diplomatic position at the time of this letter, dated December 11, 1852. See sketch of him, above, vol. 1, p. 26, note 1.

## 3022

*Statement of James Buchanan, United States Minister to Great Britain, in reply to memorandum, dated May 2, 1854, of Lord Clarendon, British Secretary of State for Foreign Affairs*<sup>1</sup>

LONDON, July 22, 1854.

It would not seem necessary to extend these remarks by pointing out what might be deemed inaccuracies in Lord Clarendon's introductory resumé of the points in M<sup>r</sup> Buchanan's Statement of 6<sup>th</sup> January 1854,<sup>2</sup> nor of the order in which these points have been presented. It is sufficient to observe that the 6<sup>th</sup> and last point of this resumé, embracing the true construction of the Convention of April 19<sup>th</sup> 1850, and which was the first discussed in M<sup>r</sup> Buchanan's Statement, being by far the most important, is entitled to precedence.

The American Government cordially reciprocates the desire expressed by that of Great Britain "to live on intimate and friendly relations" with the United States. Strong bonds of interest and affinity ought to unite the two nations in perpetual peace and friendship. M<sup>r</sup> Buchanan, therefore, deplores the unhappy misunderstanding which exists between them, in regard to the construction of a Convention which it was believed, on the part of the American Government, would terminate all their pre-existing difficulties in Central America. How unfortunate would it be if this Convention, instead of settling, should only complicate these difficulties!

In replying to the British Statement, whilst it has become his duty to maintain the proposition that Great Britain has failed to carry into effect the provisions of the Convention—a subject in its nature intrinsically delicate, he will endeavor to perform the task in a manner consistent with the exalted respect which he entertains for the Government of Great Britain.

The rights and the duties of the parties must be regulated by the first article of the Convention of 19<sup>th</sup> April 1850, and these observations shall, therefore, be primarily directed to the ascertainment of its true meaning. The following is a copy of its text.

The Governments of the United States and Great Britain hereby declare, that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America: nor will either make use of any protection which either affords or may afford, or any alliance which

<sup>1</sup> Despatches, Great Britain, vol 66; enclosure with Buchanan to the Secretary of State, No. 39, July 25, 1854, below, this part, doc. 3023.

Lord Clarendon's statement of May 2, is above, this part, doc. 3018.

<sup>2</sup> For Buchanan's statement of January 6, and Lord Clarendon's resumé of it, or reply, dated May 2, 1854, see above, this part, docs. 3012a and 3018.

either has or may have to or with any state or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connexion, or influence that either may possess with any state or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to Commerce or Navigation through the said Canal which shall not be offered on the same terms to the citizens or subjects of the other.

In the course of these remarks it is proposed to maintain that this article requires Great Britain to withdraw from the possession of Ruatan and the other Bay Islands;—the Mosquito coast; and the territory between the Sibun and the Sarstoon. The Belize settlement will demand a separate consideration.

What then is the fair construction of the article? It embraces two objects. 1. It declares that neither of the parties shall ever acquire any exclusive control over the ship canal to be constructed between the Atlantic and the Pacific, by the route of the River San Juan de Nicaragua, and that neither of them shall ever erect or maintain any fortifications commanding the same or in the vicinity thereof. In regard to this stipulation, no disagreement is known to exist between the parties. But the Article proceeds further in its mutually self denying policy, and, in the second place, declares that neither of the parties will "occupy or fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast or any part of Central America."

We now reach the true point. Does this language require that Great Britain shall withdraw from her existing possessions in Central America, including "the Mosquito Coast?" The language peculiarly applicable to this Coast will find a more appropriate place in a subsequent portion of these remarks.

If any individual enters into a solemn and explicit agreement that he will not "occupy" any given tract of country then actually occupied by him, can any proposition be clearer, than that he is bound by his agreement to withdraw from such occupancy? Were this not the case, these words would have no meaning, and the agreement would become a mere nullity. Nay more, in its effect, it would amount to a confirmation of the party in the possession of that very territory which he had bound himself not [to] occupy, and would practically be equivalent to an agreement that he should remain in possession—a contradiction in terms. It is difficult to comment on language which appears so plain, or to offer arguments to prove that the meaning of words is not directly opposite to their well known signification.



And yet the British Government consider, that the Convention interferes with none of their existing possessions in Central America;—that it is entirely prospective in its nature and merely prohibits them from making new acquisitions. If this be the case, then it amounts to a recognition of their right, on the part of the American Government, to all the possessions which they already hold; whilst the United States have bound themselves, by the very same instrument, never under any circumstances, to acquire the possession of a foot of territory in Central America. The mutuality of the Convention would thus be entirely destroyed: and whilst Great Britain may continue to hold nearly the whole Eastern Coast of Central America, the United States have abandoned the right, for all future time, to acquire any territory or to receive into the American Union any of the States in that portion of their own Continent. This self imposed prohibition was the great objection to the Treaty in the United States, at the time of its conclusion, and was powerfully urged by some of the best men in the Country. Had it then been imagined that whilst it prohibited the United States from acquiring territory under any possible circumstances, in a portion of America through which their thoroughfares to California and Oregon must pass, the Convention at the same time permitted Great Britain to remain in the occupancy of all her existing possessions in that region, Mr. Buchanan expresses the confident conviction, that there would not have been a single vote in the American Senate in favor of its ratification. In every discussion, it was taken for granted, that the Convention required Great Britain to withdraw from these possessions, and thus place the parties upon an exact equality in Central America. Upon this construction of the Convention, there was quite as great an unanimity of opinion, as existed in the House of Lords, that the Convention with Spain of 1786, required Great Britain to withdraw from the Mosquito Protectorate.

There is the strongest reason to believe that the same construction was placed upon the convention by the Government of Great Britain at the time of its conclusion. If this were not the case, why their strenuous efforts, before the ratifications were exchanged, to have the British settlement of Belize specially excepted from its operation? Upon the opposite construction of the Convention, it ought to have been their desire to place that settlement under its protection, and thus secure Great Britain in its occupancy.

The conduct of the Government of Great Britain, on this occasion, can be satisfactorily accounted for only upon the principle that perceiving the language of the Convention to be sufficiently explicit and comprehensive to embrace Belize, they must have made these efforts to prevent the necessity of their withdrawal from that settlement. And as no attempt was made to except any other of their possessions from its operation, the rule that, *expressio unius est exclusio alterius*, applies to the case and amounts to an

admission, that they were bound to withdraw from all their other Central American possessions.

If this be the true construction of the Convention, as well as its manifest spirit, then let us apply it to the objects it was intended to embrace. And first of Ruatan:—thus for the present disembarassing ourselves from the Mosquito Protectorate.

It is not denied by the British Statement, that Ruatan "is clearly a Central American Island," "and but thirty miles distant from the [Honduras] Port of Truxillo." Indeed, it was impossible that this could be denied. Why then is this Island not embraced by the Convention? The only reason given for it is the allegation that Ruatan and the adjacent Islands were dependencies of Belize and were protected from the operation of the Convention by M<sup>r</sup> Clayton's declaration of the 4<sup>th</sup> July 1850.<sup>1</sup> Now admitting for the sake of argument that this declaration is binding on the United States, to what does it amount? Its language is very explicit. The Convention was not understood by either of the negotiators, says M<sup>r</sup> Clayton, "to include the British settlement in Honduras (commonly called British Honduras, as distinct from the state of Honduras) *nor to the small Islands in the neighborhood of that settlement which may be known as its dependencies.*"

"The small Islands in the neighborhood of that settlement"—what are they? These are undoubtedly Cayo Casina and "the cluster of small islands on the coast at the distance of "three leagues from the river Sibun" particularly specified in the British Convention with Spain of 1786. Indeed, the same construction would seem clearly to have been placed upon this Convention by the British Minister at Washington in his letter to M<sup>r</sup> Clayton of the 7<sup>th</sup> of January 1854<sup>2</sup>—a copy of which is doubtless in the possession of Lord Clarendon. It would be a strained construction of M<sup>r</sup> Clayton's carefully guarded language to make his "small islands in the neighborhood" embrace the comparatively large and very important Island of Ruatan with its excellent harbors, not in the neighborhood but hundreds of miles distant;—An island represented "as the Key of the Bay of Honduras and the focus of the trade of the neighboring Countries," which is considerably larger according to Captain Henderson than many of the West India Islands in cultivation; and in its soil and natural advantages not inferior to any of them. This would be to make the dependency far more valuable than the principal, and to engraft an absolute sovereignty upon a mere usufruct. And here it may be proper to observe that the quotation "Island dependencies" in the British Statement, if intended to be made from any part of Mr. Clayton's declaration, is an incorrect quotation. His language is not "Island dependencies"; but "small islands in the neighborhood" of Belize.

<sup>1</sup> See Clayton's note of this date, above, this volume, pt. 1, doc. 2709.

<sup>2</sup> Marcy was Secretary of State in 1854; and no note was found from the British Minister to Clayton, of January 7, 1850, the only January during which Clayton was Secretary of State.

This Island is then clearly a Central American Island in the neighborhood, not of Belize, but of the State of Honduras; and in the language of M<sup>r</sup> Clayton's statement so much relied upon is one of "the proper dependencies" of that state; and is, therefore, embraced by the Treaty. Indeed it would be little short of an absurdity for M<sup>r</sup> Clayton to have excepted, as it is contended he ought to have done, from his declaration including only "the small Islands in the neighborhood" of Belize the distant, large and valuable island of Ruatan. And yet, it is alleged from his omission to do this, that Great Britain was justified "in deeming that her claim to Ruatan as a part of the Belize settlement was not about to be disputed!"

The British Statement seems to attach considerable importance to the fact, but why it is difficult to conceive, that "M<sup>r</sup> Buchanan in his statement observed that Ruatan was occupied in 1850 by Great Britain." It was for the very reason that not only Ruatan but nearly the whole Eastern Coast of Central America were occupied by Great Britain, that the Government of the United States were so anxious to conclude a Convention requiring her to withdraw from this occupation. It was for this reason, that the United States, as an ample consideration for this withdrawal, bound themselves never to occupy any portion of Central America. But for this agreement to withdraw, the United States, in self defence would have been compelled to accept cessions of territory in Central America; because without such territory, Great Britain would have been left in a position absolutely to command not only the projected Canal by the Lake [of?] Nicaragua, but all other Canals and Railroads which may be constructed through any part of the Isthmus. The Convention was, therefore, not confined to this single route; but extended its protection, "to any other practicable communications, whether by Canal or Railway, across the Isthmus which connects North and South America". Both parties were to stand aloof, and neither of them was to occupy territory in the vicinity of any of these routes, much less an Island, which from its position and excellent harbors, would enable a strong Naval Power in possession of it to close any canals or Rail Roads which might be constructed across the Isthmus.

Now whether Great Britain was in the occupation of Ruatan at the date of the Convention, by a good or by a bad title, cannot make the least difference in regard to the construction of that instrument. The case might have been different, had the question arisen between her and the State of Honduras. The question between the United States and Great Britain, however, is not as to the validity of her title, but no matter what it may have been,—whether she has not agreed to abandon her occupation under this title. Not what was the state of things before, but what she agreed it should become after the conclusion of the Convention. Still out of deference to the British Statement, which contends that the British title was good to

this island at the conclusion of the Convention, it is but proper to examine the reasons on which this claim was founded.

Ancient possession is invoked to sustain this claim, and it is said that "it is well known that [in?] 1742 the English were formally settled at Ruatan": but in reply, it may be stated, that this possession was speedily abandoned. We are informed by Rees's Cyclopaedia, published in London in 1819, that "the English in the year 1742 formed a settlement here [in Ruatan] for the purpose of carrying on the log wood trade, *but it was soon abandoned.*"

In answer to the map published by Jefferies,<sup>1</sup> in 1796, cited by Lord Clarendon, it may be observed, that there is another copy of the very same map in the British Museum, published in the same year, on which Ruatan is not colored as a British possession. At the date of this map, more than half a century ago, the Geography of that portion of America was comparatively but little known. For this reason, the map published at London, in 1851, "by James Wyld, Geographer to the Queen," "of the West India and Bahama Islands, with the adjacent Coasts of Yucatan, Honduras Caracas" &C also to be found in the British Museum, is of much higher authority; and upon its face Ruatan and the other Bay Islands are assigned to Honduras. The same view is presented by the same author on a former "Map of the West India and Bahama Islands" &<sup>9</sup>, published in 1849, and now in possession of the Legation.

It may also be confidently asserted, as a well known historical fact, that if the English were in the occupation of Ruatan at the date of the Treaty with Spain of 1786, they abandoned it immediately thereafter in obedience to that Treaty. Brooke's General Gazetteer published at London in 1853, distinctly states this fact. It says "this beautiful Island, partially covered with wood, was once in possession of the English, who fortified its excellent harbor, *but abandoned it when they withdrew from the Mosquito Shore.*" And Johnston, in his Dictionary of Geography, published in London in 1851 and 1852, describes it as an Island off the North Coast of Central America, "*formerly belonging to the English.*" "Near its Southern extremity is a good harbor, with batteries erected by the English during their former occupation."

At what period, then, after the Convention of 1786 did this Island cease to be Spanish and become English? It is admitted by Captain Henderson, an Officer of the British Army, in his "account of the British settlement of Honduras", an authority which will not be disputed, that it was still a Spanish Island in 1804. The next we hear of it is, that it was in the possession of Honduras as the successor of Spain in 1830, whilst the Confederation of the Central American States still continued to exist: and was, in that year, (not in 1835, as in the former statement) captured from that state by

<sup>1</sup> This name is spelled "Jeffries" in Lord Clarendon's statement, above, this part, doc. 3018, May 2, 1854.

the British forces; but was soon afterwards restored. The following extract from Crowe's "Gospel in Central America", an able and interesting work prepared after personal observation and published in London in 1850, gives a correct account of the transaction. The author says, "1830, the only notable breach upon peace and good order was the seizure of the Island of Ruatan in the Bay of Honduras, by the authorities of the neighboring British settlement. But upon complaint by the Federal Government, the act of the Superintendent of Belize was theoretically disallowed by his Government, though it has since been practically repeated in precisely the same quarter and under the sanction of the same Power." There is other evidence of a similar character in the possession of Mr. Buchanan, but as it proceeds from American sources, it is deemed best to let the facts, especially as they have not been contradicted by the British Statement, rest upon the authority of a British author of highly respectable character. The author then proceeds to speak in indignant terms of its second capture and annexation in 1841, denouncing it as an "inglorious revolution."

Lord Clarendon, in his Statement, admits that this Island and that of Bonacca "have doubtless been at various times left unoccupied and at others claimed or held by other Powers:" but says, "it is certain that in 1838, 1839 and 1840 [it ought to have been in 1841] Great Britain not only asserted her right to the same, but declared her intention to maintain that right by force".

That is in substance,—that Great Britain captured this Island from Honduras in 1841, and expelled the troops of that State from it and now maintains that this capture gives her title. It is impossible that Great Britain can claim this Island by the right of conquest, because the capture was made in a time of profound peace. She cannot convert the very act of which Honduras complains, as a wrong and an outrage, into the foundation of British title. Of the manner in which the seizure of Ruatan was made by the superintendent of Belize, in 1841, Mr. Crowe speaks in the following language;

As he expected Colonel Macdonald found only a few inhabitants, under care of a sergeant, and a small detachment of soldiers belonging to the State of Honduras. These being incapable of resistance, he proceeded to haul down the flag of the Republic and to hoist that of Great Britain in its stead. No sooner, however, had he re-embarked, than he had the mortification of seeing the Union Jack replaced by the blue and white stripes of Honduras. He subsequently returned, and completed the inglorious revolution, by taking such precautions and making such threats as he thought necessary.

The British Statement contests the principle, that the Central American Provinces, having by a successful revolution become independent States, succeeded within their respective limits to all the territorial rights of Spain.

As the Statement presents no reason for denying this principle, it is not

deemed necessary to assign reasons in its support in addition to those of the former American Statement. The principle cannot, it is conceived, be successfully controverted. Were any third Power permitted to interpose and seize that portion of territory which the emancipated Colony could not defend, all Powers might exercise the same right, and thus the utmost confusion and injustice would follow. If Great Britain could seize Ruatan, France might have taken possession of another portion of Honduras and the United States of a part of San Salvador; and thus a successful revolution, instead of proving a benefit to those who had asserted and maintained their independence, would give rise to a general scramble among the nations for a proportion of the spoil.

But the British Statement not only denies that her Treaty with Mexico of the 26<sup>th</sup> of December 1826 is a recognition of the principle asserted, but maintains that it proves the contrary.

At the date of this Treaty Great Britain was in possession, for special purposes, of the usufruct of Belize which she had acquired from Spain under the Treaty of 1786. Upon what other principle could she have solicited and obtained from Mexico an agreement that British subjects should not be disturbed in the enjoyment of this limited usufruct, unless upon the principle that Mexico had inherited the sovereign rights of old Spain over the Belize settlement? Had she then intended to claim this settlement in absolute sovereignty, she never would have sought and obtained from Mexico a continuance of her special license. The idea of an absolute owner asking a special permission to use his own property in a particular manner from a person in whom he recognises no title would be, to say the least, a novelty, if not an absurdity. Greatly to her credit and her good faith, however, Great Britain agreed to hold under Mexico in the very same manner, she had held under old Spain, and thus clearly recognised the rights of Mexico.

How does the British Statement answer this argument? It says that the Treaty "simply stipulates that British subjects should not be worse off under Mexico independent than under Mexico when a Spanish province." And "it was natural in recognising the independence of Mexico that Great Britain should make such a stipulation." It was certainly natural that she should do this, but only on the principle that Mexico might otherwise have asserted her rights as the successor of Old Spain and at any moment, have terminated the license.

The British Statement observes that since the capture of the island, in 1841, no attempt has been made by Honduras to recapture it: and that the Commandant of Truxillo, when on two or three occasions complaints had been made to him for redress against the settlers of Ruatan, had referred them to Belize, telling them that the island was British. But what inference can be drawn from these facts? Honduras from her feebleness has been compelled to submit and to resort to the only remedy which the weak

have against the powerful. Complaints and protestations against the act, which she has never ceased to make, have been her only resource. How ridiculous it would have been for her to have attempted to recapture this island from Great Britain! And the Commandant of Truxillo would, as a matter of course, refer complainants against the settlers in Ruatan to Great Britain for redress,—the Power in possession and the only power in existence which could apply the remedy.

If, therefore, the question depending [*sic*] had been between Great Britain and Honduras and the point to be decided by an impartial umpire, were, which of the two Powers held the best title to the Island, there could be but little doubt, it is conceived, what could be his decision. But, as before remarked, the question is not between these parties: but between Great Britain and the United States. Its decision does not depend upon the validity or invalidity of the British title: but whether Great Britain has bound herself by Treaty with the United States not "to occupy or fortify, or colonize, or assume or exercise any dominion over" Ruatan. Under these circumstances, it was not the duty of the United States, as is alleged, at the conclusion of the Convention of 1850, to have formally contested the title of Great Britain to this island. Such a course could only have produced useless irritation. It was sufficient for them to know, that Great Britain being in the occupation of it, no matter by what title, had agreed to withdraw from this occupation.

But "Her Majesty's Government cannot admit that an alteration in the internal form of Government of these Islands is a violation of the Treaty, or affords a just cause of remonstrance to the United States." What are the facts of the case? When the Treaty was concluded, Great Britain was simply in the occupation of Ruatan, under the capture made by Colonel Macdonald. She had established no regular form of Government over its few inhabitants, who, to say the least, were of a very heterogenous character. She had then taken but the first step, and this in the face of the remonstrances of Honduras, towards the appropriation of the Island. No trouble could have been anticipated by the United States in regard to this island,—no doubt could have been entertained but that Great Britain would promptly withdraw from it after the conclusion of the Treaty. Her relation towards Ruatan at this time was merely that of a simple occupant. From this occupancy it was easy to retire and the Island would then have naturally reverted to Honduras. Instead, however, of taking one step backward, the Government of Great Britain has since taken a stride forward and has proceeded to establish a regular Colonial Government over it. But this is not all. They have not confined themselves to Ruatan alone; but have embraced within their Colony five other Central American Islands off the Coast of the State of Honduras. One of these Bonacca, says Bonnycastle, is an island about sixty miles in circumference and is supposed to be the first island which Columbus discovered on his fourth voyage. It was not known,

however, in the United States, that the British Government had ever made claim to any of these five Central American Islands, previous to the Proclamation announcing their Colonization. Indeed, the British Statement nowhere asserts that any of them had ever been occupied, at any period, by Great Britain, before their incorporation with Ruatan and the establishment in 1851 of the Colony of the "Bay Islands."

In this manner has the feeble State of Honduras been deprived of every valuable island along her Coast and this is now completely commanded by the impending power of Great Britain.

The Government of the United States view the establishment of the colony of the "Bay Islands" in a still more unfavorable light, than they do the omission on the part of the British Government to carry the provisions of the Treaty into effect. They feel this to be the commission of a positive Act, in "palpable violation both of the letter and the spirit of the Clayton and Bulwer Convention."

## 2. The Mosquito Protectorate.

It does not seem necessary to add arguments to those of the former American Statement, for the purpose of proving that the Mosquito Protectorate has been abolished by the Convention. This point has nowhere been directly met throughout the British Statement, by arguments drawn from the body of the Treaty itself. These remarks shall, therefore, be confined to the topics presented in the British Statement.

In this discussion, as in the case of the Bay Islands, it ought ever to be borne in mind, that it is the true construction of the Convention which is mainly to be ascertained & enforced, & not the historical circumstances & events which either preceded or followed its conclusion.

The admission is noticed with satisfaction, that the United States had not, under the Convention, acknowledged the existence of the British Protectorate in Mosquito. This relieves the argument from much embarrassment & the American negotiator from the imputation of having done an act which would have been condemned by his country.

It is, also, repeatedly admitted, that although the British Government (to employ its own language) "did not, by the Treaty of 1850, abandon the right of Great Britain to protect the Mosquitoes, yet it did intend to reduce & limit that right." Had the Statement proceeded one step further & specified in what manner & to what extent the British Government intended to reduce & limit this right, the controversy on this point might, then, for all practical purposes, have been settled. Why? Because Lord Clarendon must have resorted to the Convention itself for the limitations imposed on the Protectorate; & this would have informed him that it shall never be used for the purpose of "occupying" "the Mosquito Coast" "or of assuming or exercising dominion over the same". Let Great Britain no longer employ it for these purposes,—let her cease to occupy this Coast & exercise dominion



over it, & although not all the Convention requires, yet for every essential object, this would prove sufficient.

The British Statement strangely enough, first, proceeds to discuss at considerable length what it terms "the Spirit" of the Treaty which, it says, "must always be inferred from the circumstances under which it takes place"; & afterwards, in a very few lines, disposes of the great question of the true construction of its language. This entirely reverses the natural order of things. Vattel informs us, in his Chapter on "The interpretation of Treaties", that

the first general maxim of interpretation is, that, *it is not allowable to interpret what has no need of interpretation*. When a deed is worded in clear & precise terms,—when its meaning is evident & leads to no absurd conclusion,—there can be no reason for refusing to admit the meaning which such deed naturally presents. To go elsewhere in search of conjectures in order to restrict or extend it, is but an attempt to elude it. If this dangerous method be once admitted, there will be no deed which it will not render useless.

It was, therefore, incumbent upon the British Statement, first, to prove that the language of the Convention is obscure,—a most difficult task,—before it could properly resort to extraneous circumstances to explain its meaning. Nevertheless, following the order of the Statement, a reply shall first be given to the circumstances adduced.

But as preliminary to these, the Statement branches off into a declaration, "that M<sup>r</sup> Buchanan confounds the two conditions of a Sovereignty & a Protectorate & under this error treats the agreement 'not to colonize, nor occupy, nor fortify nor assume nor exercise dominion over' as including an agreement not to protect." Now, admitting for the sake of argument, that these words do not include "an agreement not to protect", they do at least limit this protection, so that it cannot be employed for the purpose of occupying or exercising dominion over the Mosquito Coast. Let this be granted, & the United States need ask but little more.

No foundation, however, is to be found in M<sup>r</sup> Buchanan's Statement for the criticism, that he had confounded two things so distinct in their nature as "a Sovereignty & a Protectorate." Indeed, he does not even use the word "Sovereignty," in connection with this topic, throughout his whole Statement. On the contrary, he has carefully confined himself to the language of the Convention itself & employed only the words "occupy," "or assume or exercise dominion".

The American Government have never treated the Protectorate claimed by Great Britain as one which could be recognised by public law. They well knew, from the savage & degraded character of the Mosquito Indians, that no Treaty of Protection could exist between Her Britannic Majesty & the King of the Mosquitoes, such as is recognised among civilised Nations.

Under such a Treaty, the protected Power reserves to itself the right of administering its own Government,—a right which it was impossible for the Mosquitoes to exercise. This nominal Protectorate must, therefore, from the nature of things, be an absolute submission of these Indians to the British Government, which in fact it has ever been. For these reasons, the American Statement has every where treated Great Britain as in possession of the Mosquito Coast & in the exercise of dominion over it, in the same manner as though she were its undisputed owner; & has contended that she is bound by the Treaty to withdraw from this possession & the exercise of this dominion. This is the substance. All the rest is mere form. In this point of view, it is wholly immaterial, whether the relations of the Mosquito Indians towards Great Britain be called a Protectorate, a Submission or by any other name. The great object of the Convention, as understood by the Government of the United States, is that she should cease to occupy the Mosquito Coast, no matter by what name, or under what claim, it is retained.

The leading, indeed it may almost be said the only circumstance adduced, to illustrate "the Spirit" of the Convention & to bear upon its construction, is a correspondence which took place at London, in November 1849, between M<sup>r</sup> Lawrence & Lord Palmerston.<sup>1</sup> It is thus sought to convert this preliminary correspondence, which occurred months before the Convention was concluded, between different individuals, into the means of changing & limiting the meaning of the language afterwards employed by the actual Negotiators. By such means, all agreements between private parties & all Treaties between Sovereign States might be annulled. When the final Agreement is once concluded, the preliminaries become useless. Like the scaffolding of a building, they are cast aside, after the edifice has been erected.

But even if such a process were legitimate, there is nothing in this correspondence which, so far from weakening, does not fortify the construction placed upon the Convention by the Government of the United States. M<sup>r</sup> Lawrence first asks Lord Palmerston, as the primary object, "whether the British Government intends to occupy or colonize Nicaragua, Costa Rica, the Mosquito Coast or any part of Central America"; & then inquires "whether the British Government will unite with the United States in guaranteeing the neutrality of a Ship Canal, railway or other communication, to be open to the world & common to all nations." In reply, Lord Palmerston says, "that Her Majesty's Government do not intend to occupy or colonize Nicaragua, Costa Rica, the Mosquito Coast or any part of Central America"; & he, also, gave an equally satisfactory answer to the second inquiry of M<sup>r</sup> Lawrence.

Now what inference does the British Statement draw from this language?

<sup>1</sup> For this correspondence, see above, this part, November 8, 13, 13, 19, 22 and 22, 1849, docs. 2876, 2878, 2879, 2881, 2882 and 2883.

It is, that as the correspondence, which is alleged to have been before the negotiators, does not refer to the Mosquito Protectorate by name, therefore, they must have intended that this should remain untouched by the Treaty. But no inference can prevail against a positive fact. If the correspondence be silent in regard to the Protectorates,—not so, the Convention. This expressly embraces it & declares;—"nor will either [of the parties] make use of any protection which either affords or may afford or any alliance which either has or may have, to or with any State or people, for the purpose of (erecting or maintaining any such fortifications or of) occupying fortifying or colonizing Nicaragua, Costa Rica, the Mosquito Coast or any part of Central America, or of assuming or exercising dominion over the same".

But even if the Convention had not contained this express stipulation in regard to the Mosquito Protectorate & had simply provided for carrying into effect the intention expressed by M<sup>r</sup> Lawrence & Lord Palmerston that neither of the parties should "occupy or colonize" "the Mosquito Coast," this would, it is conceived, have been abundantly sufficient to bind Great Britain to withdraw from its occupation. In point of fact, it resulted from abundant caution alone, that the clause just quoted from the Convention was super-added, prohibiting Great Britain whether under the name of a "Protection" or "Alliance" from "occupying" "the Mosquito Coast" "or of assuming or exercising dominion over the same".

In reference to the "literal meaning of the Convention", which is certainly the main point, the British Statement occupies but a few lines & avoids any direct discussion of the language which it employs. Indeed, the construction for which the Government of the United States contends is substantially admitted. The Statement, after quoting the provisions of the article & asserting that it "clearly acknowledges the possibility of Great Britain or the United States affording protection to Mosquito or any Central American State," concedes, that whilst it was not the intention of the parties to prohibit or abolish, it was their intention "to limit & restrict such Protectorate." Let there be no dispute about words on so grave a question. How did the Convention limit & restrict this Protectorate? It does this, as before observed, by prohibiting both parties from using "any protection which either affords," for the purpose of occupying or exercising dominion over the Mosquito Coast.

Throughout that portion of the argument arising out of the correspondence between M<sup>r</sup> Lawrence & Lord Palmerston, & indeed in other parts of it, the British Statement has treated the joint protection of the two Governments to the Nicaragua Canal, as though this were the principal & almost the only feature of the Convention. Such expressions as these are employed:—"The mere Protectorate of Great Britain stripped of those attributes which affected the construction & the freedom of the proposed Canal, was of small consequence to the United States." It is again treated as "a matter

of indifference so far as the Canal is concerned, as to whether the Port & Town of San Juan are under the modified Protectorate of Great Britain or under the Government of Nicaragua". And again;—"The practical difference between Great Britain & the United States, with regard to the only mutually important portion of Mosquito, namely that portion to which the construction & condition of the Canal, which formed the origin & basis of the Treaty of 1850, applies, is very small indeed" &c. &c.

These are but very partial & limited expositions of the motives which gave birth to the Convention. It consecrated a policy far more extended & liberal. The Convention was not confined to a single route; but embraced all the routes, whether for rail-roads or Canals, throughout Central America. To employ its own language, it agreed to extend the protection of the two Governments, "by Treaty stipulations to any other practicable communications, whether by canal or rail-way, across the Isthmus which connects North & South America, & especially to the inter-oceanic communications, should the same prove to be practicable, whether by canal or rail-way, which are now proposed to be established by the way of Tehuantepec or Panama." Over all such routes, Great Britain & the United States have bound themselves to cast the eyes of their protection, not for their own exclusive benefit but for that of all the commercial nations of the earth. It was to avoid all jealousies between themselves, as well as those which might arise against either or both on the part of other nations, that they agreed not merely that neither of them would erect fortifications on the single route of the San Juan, or in its neighborhood; but, also, that neither would directly, or by virtue of any Protectorate or Alliance, "occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast or any part of Central America". Without this latter provision, the former would have been vain. The prohibition of occupation was, therefore, co-extensive with the whole territory over which such canals or Rail-roads might pass.

Viewing the Treaty in the light of its own extended & liberal provisions, it was a matter of some surprise, that the British Statement should have confined itself merely to a proposition for the two Governments to enter into some arrangement whereby Great Britain may withdraw her Protectorate from the Port & Harbor of Greytown & the Northern Bank of the San Juan, thus leaving the residue of the Mosquito Coast, in its present condition.

The Government of the United States can become a party to no such arrangement. It stands upon the Treaty which it has already concluded, firmly believing that under this, Great Britain should, more than four years ago, have ceased to occupy or exercise dominion over the whole & every part of the Mosquito Coast. It cannot, therefore, now enter into any new stipulation confined to the Port of Greytown & the Northern bank of the San Juan. Such an agreement could only lead to fresh complications; & besides,

would be a tacit admission, which the United States cannot make, that the Convention of 1850 did not embrace the entire Mosquito Coast, as well as every other portion of Central America. All that the Government of the United States deem it proper to do, under existing circumstances, is to persist in their efforts to induce Great Britain to withdraw from the entire coast. This object once accomplished, the Treaty will then have its full & beneficent effect. The two Powers can then proceed in harmony to procure from the proper Central American States the establishment of two free Ports, one at each end of the Canal, & successfully to interpose their good offices to settle all existing disputes concerning boundaries between these States. It is manifest, however, that nothing of this kind can be accomplished,—there can be no settlement of Central American affairs, whilst Great Britain shall persist in expressing a determination to remain in possession, under the name of a Protectorate, of the whole coast of Nicaragua on the Caribbean Sea.

The Earl of Clarendon has been already informed, that the Government of the United States, from motives of humanity, are willing to unite with Great Britain in inducing the State of Nicaragua to assign a suitable portion of her territory for the occupation of the miserable remnant of the Mosquito Tribe. This, however, upon the principle always recognised by Great Britain & the United States, in the treatment of their own Indians, that the ultimate dominion & absolute sovereignty belong to Nicaragua; the Mosquitoes having a right of mere occupancy, to be extinguished only by the State of Nicaragua.

How unfortunate is the condition of Nicaragua! Her title to all the territory embraced within the limits of the ancient Province of that name is perfect. This she has acquired not only by a successful revolution; but she holds it under a solemn Treaty with Spain. This Treaty concluded at Madrid, on the 25<sup>th</sup> July 1850, recognizes her sovereignty & independence, as well as her right "over the American territory, situated between the Atlantic & Pacific Sea," & "from sea to sea," "with its adjacent Islands, known before under the denomination of Province of Nicaragua, now Republic of the same name." And yet her Eastern Coast is covered, in its whole extent, by the Mosquito Protectorate, & she is deprived of every outlet to the Caribbean Sea. Her Port of San Juan has been seized by British troops & that of Bluefields is the residence of the King of the Mosquitoes & the seat of the British dominion.

An effort has been made to assimilate the case of the British Protectorate over the Mosquitoes to that of Englishmen & Americans, acting as Ministers to the King of the Sandwich Islands. But there is no parallel between the cases. The inhabitants of the Sandwich Islands are not degraded Savages, but a Christian people, & the Government of their King has been recognised by the principal Powers of the earth. He possesses the right to select foreigners for his ministers, as other sovereigns have frequently done; but

these, in the exercise of their functions, are totally independent of their own Governments.

It is alleged that a British consul or agent resides in Mosquito, who "may oftentimes be called upon to give his opinion or advice to the Mosquito Government". But it is notorious, & from the degraded character of the Indians, it cannot be otherwise, that the Mosquito Government is exclusively the British Government, exercised through the agency of this consul. It is through him, that the British Government, in the name of this mere shadow of a King, captures the Sea Ports of his neighbours, by the employment of British forces alone, & exercises dominion over the entire so called Mosquito Coast. We have the nothingness of the Mosquito Government & the King graphically delineated by two eminent British Statesmen, of the present cabinet. Truly this Government is but "*a fiction*," whilst that of Great Britain is the substantial reality.

The British Statement, after defining the general distinction between "sovereignty" & "defence or protection," presents the consequences which might arise if an agreement "not to occupy or exercise dominion" should prohibit either party from the performance of certain enumerated acts, either for or against the Central American States. As these remarks are merely hypothetical & so not seem to have any direct bearing upon the great question pending between the parties, it is deemed unnecessary to prolong this Statement by a reply to them *seriatim*. They may be well or ill-founded; but it is inconceivable in what manner they bear upon the simple question under the Treaty,—which is, shall Great Britain continue to occupy or exercise dominion over the Mosquito Coast?—not what acts she may perform without a violation of the Convention, after she shall have withdrawn from this occupation & the exercise of this dominion.

Opinions are referred to said to have been expressed by M<sup>r</sup> Webster concerning the Convention; but this is to be expounded according to its own text, & not by the mere incidental dicta of any man, no matter how eminent.

And here all has been said which, either directly, or remotely, touches the merits of the Mosquito question, but as several other topics have been introduced, it would be improper to pass them over in silence.

The Statement declares, in reference to the Mosquito Protectorate, that Great Britain "will not enter into any explanation or defence of her conduct with respect to acts committed by her nearly forty years ago." Be it so. Such an explanation is not solicited by the United States. Still it is but just to observe, that the British Government, first, set the example of discussing their ancient right of the Mosquito Protectorate; & this is the only reason given in the former American Statement for presenting "the views of the Government of the United States on the subject".

It is highly satisfactory however, to observe, that the British Statement, instead of relying upon acts of the English on the Mosquito Coast for cen-

turies, limits these within a period of less than forty years anterior to the present date. It is possible that the former American Statement may have done some good in effecting this change, by causing Lord Clarendon to re-examine the Treaties of 1783 & 1786 & to refer to the history of the time, in which additional proof has been found, not now necessary to be presented, in confirmation of the construction placed upon these Treaties by the American Government.

It would, still, have been interesting, as a historical fact, to learn at what time, "nearly forty years ago," under what circumstances & upon what terms, Great Britain again entered upon Mosquito, after having acknowledged the sovereignty of Spain over it, in 1783 & 1786, & surrendered it to that Power.

The British Statement proceeds to allege, that since the peace of 1815, Old Spain had never raised any question with the British Government respecting the Mosquito Protectorate. This is doubtless, the case, because Old Spain, from the intimate relations of friendship which had existed between the two Governments since their Treaty of Alliance in 1809, could not have suspected that Great Britain was renewing her connection with the Mosquitoes; & soon after "the acts committed by her nearly forty years ago," the Spanish American Revolutionary war commenced, which would naturally prevent the Spanish Government from bestowing its attention on a matter so comparatively unimportant.

The Statement then denies that by the British Treaty with Mexico of 1826, Great Britain had recognised the right of the Central American States, having achieved their independence, to the territories, respectively, included within their boundaries, as these had formerly existed under Old Spain. As this point has been discussed in a former portion of the present Statement, it is not now necessary to add any thing to what has already been said.

But, again, argues the British Statement, even supposing that these States did inherit the rights of Old Spain, they made no remonstrance "for many years, after the Protectorate of Great Britain over Mosquito had been a fact well known to them."

Surely the British Government does not mean to contend, that the omission of these feeble States, agitated, in the first place, by a Revolutionary War, & afterwards, by domestic dissensions, to make such remonstrances, would confer upon Great Britain the right to deprive them of their territory. Besides, if it were necessary to go into the question, it might be proved, that, not many, but only a few years had elapsed before these States did remonstrate against the encroachments of Great Britain.

The Statement next asserts, that although the Government of the United States, in 1842, knew of the existence of the British Protectorate, yet they did not complain of it until 1849. And from this what is to be inferred? The United States had no right, under any Treaty with Great Britain, to

interfere in this question, until April 1850. But even if they had been directly interested in the territory, as Nicaragua was,—is there any Statute of Limitations among nations, which, after six years of unlawful possession, deprives the true owner of his territorial rights?

Had the United States interfered in this question before the conclusion of the Convention of 1850, this could only have been done under the Monroe doctrine; & then they would have been informed, as they have already been in the British Statement, that this doctrine "can only be viewed as the dictum of the distinguished personage who delivered it; but Her Majesty's Government cannot admit that doctrine as an international axiom which ought to regulate the conduct of European States."

But it must not be inferred, from what has been said, that, without this Convention, the Government of the United States would not have eventually interfered, in obedience to the Monroe doctrine, to prevent if possible, any portion of Central America from being permanently occupied or colonized by Great Britain.

Neither is Lord Clarendon correct in supposing that this doctrine is but the mere "dictum" of its distinguished author. True,—it has never been formally sanctioned by Congress; but when first announced, more than thirty years ago, it was hailed with enthusiastic approbation by the American people; & since that period, different Presidents of the United States have repeated it, in their messages to Congress, & always with unmistakable indications of public approbation.

If the occasion required, M<sup>r</sup> Buchanan would cheerfully undertake the task of justifying the wisdom & sound policy of the Monroe doctrine, in reference to the nations of Europe, as well as to those on the American Continent.

The British Statement proceeds to enumerate several instances, commencing in November, 1847, extracted from the report of M<sup>r</sup> Clayton to the President, in July 1850, in which, no answers were returned by the Government of the United States to appeals made by, or on behalf of, the State of Nicaragua for our interference to arrest the progress of British encroachments in Central America.

Surely the war then pending between the United States & Mexico was sufficient to account for this temporary omission, without attributing it to any indifference to the proceedings of Great Britain against Nicaragua.

But, even before this war was finally terminated by a Treaty of peace, & after the capture of San Juan by the British forces, President Polk, in April 1848, gave a public pledge to the world, in strong terms, of his adherence to the Monroe doctrine, as he had already done in two previous Messages. Besides, in December 1847, he asked an appropriation from Congress to enable him to send a Minister to Guatemala; & this Minister was accordingly despatched with instructions, which have been published,



having distinctly in view the adoption of measures necessary to give effect to this doctrine in Central America.

The British Statement, whilst admitting that under the former principles & practise of European Nations, in regard to their treatment of the Indian races, the Mosquitoes would have no right to rank as an independent State, yet indicates that Great Britain has changed her conduct in this respect. As examples of great changes in other respects which have occurred in modern times, & as an excuse or justification for her own change, the British Statement cites the suppression of the African Slave Trade & the establishment of the Republic of Liberia. Neither of these would seem to be very wonderful. They both occurred in the natural progress of events, from the advance of civilization & the efforts of wise & benevolent men. But the British Government will have performed a miracle, if they can convert the debased & degraded race of Mosquito Indians, such as they have been described without contradiction in the American Statement, into citizens or subjects of a really independent & Sovereign Nation.

The British Statement, also, declines to furnish "the grounds on which Her Majesty's Government made the capture of San Juan de Nicaragua", & it is, therefore, scarcely necessary to pursue this branch of the subject. If it were, it would be easy to add proofs to those contained in the former American Statement, that this was never a Mosquito Port in any sense, but always, together with the River San Juan, rightfully belonged to Spain, & afterwards to Nicaragua. Reference might be made to the Report of Sir William Wise, the Commander of the British Ship of war, *Sophie*, who visited the Coast in 1820, & also, to that of M<sup>r</sup> Orlando Roberts who was carried as a prisoner up the San Juan in 1821. The latter describes the Fort, to which Captain Bonnycastle had referred, as then still mounting twelve pieces of large cannon & containing accommodations for one hundred men.

The two chapters of Crowe's Central America, entitled "British Encroachments", might, also, be cited. Of these, the Author presents a striking history, from the time of the numerous & formidable but unsuccessful expedition of Great Britain against Spain, in 1780, for the purpose of wresting from that Power the Port & River of San Juan, until they were finally captured from Nicaragua, in 1848, & then first became a part of the Mosquito Protectorate.

### 3. The Territory between the Sibun & the Sarstoon.

The next portion of Central America which demands attention is the territory between the Rivers Sibun & Sarstoon. Over this territory the British settlers from Belize have been encroaching for several years; but this, it was believed, without the authority or sanction of the British Government. It now appears that Great Britain claims the territory & declines to withdraw from its occupation, in obedience to the Convention.

In regard to it, the question need not be discussed, whether the Convention embraces the entire Isthmus, geographically known as Central America, or is confined to the five States which formerly composed the Republic of that name. In either sense, the country between the Sibun & the Sarstoon is included within Central America. This territory is a part of the Province of Vera Paz, all of which constitutes an integral portion of the State of Guatemala. At the date of the Treaty of 1786, & until the Spanish dominion terminated, the territory South of the Sibun was included within the ancient Kingdom of Guatemala, of which, with the exception of Chiapas, the Confederated Republic was composed. This as a geographical fact, it is presumed, will not be denied.

The British Statement contends, that M<sup>r</sup> Clayton's declaration of the 4 July, 1850,<sup>1</sup> not only embraces the settlement of Belize proper, under the Treaty with Spain; but covers the territory South of it, between the Sibun & the Sarstoon.

The language employed by M<sup>r</sup> Clayton is,—“The British Settlement in Honduras.” Now whilst such a Settlement exists, under the Treaty of 1786, to which this language is precisely applicable, it would be a most strained construction to extend its application beyond the Treaty limits & make it protect the encroachments of British Settlers over a larger territory than that included within the Settlement itself.

Besides, M<sup>r</sup> Clayton states, in a subsequent part of the same document, that the Convention of 1850, “was understood to apply to and does include all the Central American States of Guatemala, Honduras, San Salvador, Nicaragua and Costa Rica, with their just limits and proper dependencies.”

Then under this declaration itself, the territory in question, being within “the just limits” of the state of Guatemala, is expressly embraced by the Convention.

Lord Clarendon considers himself “more warranted” in concluding that M<sup>r</sup> Clayton's statement applies to this territory, “from the fact that the United States had in 1847, sent a Consul to the settlement, which Consul had received his Exequatur from the British Government, a circumstance, says his Lordship, which constitutes a recognition by the United States Government of the settlement of British Honduras under Her Majesty, as it then existed.”

Now it could be easy to prove, that a Consul is never sent to a whole settlement or to an entire nation, but only to a single port for the purpose of superintending the Commerce at that Port, and therefore, that no inference could be drawn from the fact that the United States had sent a Consul to the Port of Belize within the Treaty limits, in favor of the claim of Great Britain to a country far beyond these limits; but this would not be sufficient for the occasion. M<sup>r</sup> Buchanan emphatically denies the proposition, that the

<sup>1</sup> Above, this volume, pt. 1, doc. 2709.

appointment of a Consul to Belize was any, even the slightest recognition of the right of Great Britain to this very port.

A Consul is an officer appointed to reside in a foreign Country, for the purpose of facilitating extending and protecting the trade of his nation with that Country. Such officers follow foreign trade wherever it may go, and afford protection to it, no matter whether the ports to which they are sent, be in the possession of the rightful owner or a usurper. The appointment of a Consul recognises nothing more than the *de facto* possession of the Port by the Power from which his Exequatur is received. Such an appointment does not, in the slightest degree, interfere with the question of the right (*de jure*) of this Power to be in possession. This has ever been and this must ever be the law and practice of modern Commercial Nations. If it were otherwise, then before the appointment of a Consul, the Government of a Nation must first carefully inquire whether the party in possession be the rightful owner of the Port: and if they determine against its right, then their Commerce with it must either cease altogether or remain without Consular protection. This would be a novel doctrine to maintain in the present age of commercial progress.

The law and practice of nations have for a long period been clear on this point; because Consuls are mere commercial and not political agents. At the present time, even the appointment of a public minister is wisely considered as a recognition of nothing more than the *de facto* possession of the Power to which he is accredited.

The British Statement claims the territory between the Sibun and the Sarstoon by right of conquest, and observes "that the Treaty of 1786 was put an end to by a subsequent State of war" with Spain, and "that during that war the boundaries of the British settlement in question were enlarged," and that the subsequent Treaty of peace not having revived the Treaties of 1783 and 1786, Great Britain is entitled to retain this territory.

It may be observed that the Statement does not mention at what period the boundaries of the British settlement were enlarged. If this took place, as it is believed it did, after the date of the Treaty of alliance between Great Britain and Spain, in 1809, which terminated the war, then this argument falls to the ground. If before 1809, Great Britain when concluding this Treaty, ought to have informed Spain that she intended to convert the encroachments of the settlers in Belize on Spanish territory into an absolute right. That she did not then intend to pursue such a course towards an ally in distress is clear from her subsequent conduct.

In 1814, Great Britain revived all her pre-existing Commercial Treaties with Spain; and what is the privilege granted to her by the Treaty of 1786 of cutting mahogany log wood and other dye woods on Spanish territory, thus enabling her to extend British Commerce in these articles, but a commercial privilege?

So far from the Treaty of 1786 being "put an end to," by the war, its continued existence, in 1817 and 1819, was recognised by acts of the British Parliament. These declare, in so many words, that Belize was "not within the territory and dominion of his Majesty;" but was merely "a settlement for certain purposes in the possession and under the protection of His Majesty."

For the nature of this "settlement" and a knowledge of these "certain purposes," we can refer no where, except to the Treaties of 1783 and 1786.

In addition to these acts of Parliament, it is proper here to repeat, that so late as 1826, Great Britain has, by her Treaty with Mexico, acknowledged the continued existence and binding force of the Treaty of 1786.

But no matter what may be the nature of the British claim to the country between the Sibun and the Sarstoon, the observation already made, in reference to the Bay Islands and the Mosquito Coast, must be reiterated, that the great question does not turn upon the validity of this claim previous to the Convention of 1850; but upon the facts, that Great Britain has bound herself, by this Convention, not to occupy any part of Central America nor to exercise dominion over it, and that the territory in question is within Central America, even under the most limited construction of these words. In regard to Belize proper, confined within its legitimate boundaries, under the Treaties of 1783 & 1786, & limited to the usufruct specified in these Treaties, it is necessary to say but a few words. The Government of the United States will not for the present insist upon the withdrawal of Great Britain from this settlement, provided all the other questions between the two Governments concerning Central America, can be amicably adjusted. It has been influenced to pursue this course, partly by the declaration of M<sup>r</sup> Clayton of the 4<sup>th</sup> July 1850,<sup>1</sup> but, mainly, in consequence of the extension of the license granted by Mexico to Great Britain under the Treaty of 1826, which that Republic has yet taken no steps to terminate.

It is, however, distinctly to be understood, that the Government of the United States acknowledge no claim of Great Britain within Belize except the temporary "liberty of making use of the wood of the different kinds, the fruits and other produce in their natural state," fully recognising that the former "Spanish Sovereignty over the Country" now belongs either to Guatemala or Mexico.

In conclusion, the Government of the United States most cordially and earnestly unite in the desire expressed by "Her Majesty's Government" not only to maintain the Convention of 1850 intact, but to consolidate and strengthen it by strengthening and consolidating the friendly relations which it was calculated to cement and perpetuate." Under these mutual feelings, it is deeply to be regretted that the two Governments entertain opinions so widely different in regard to its true effect and meaning.

<sup>1</sup> Above, this volume, pt. 1, doc. 2709.

3023

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 39

LONDON, July 25, 1854.

SIR: I have the honor to transmit to you a copy of my "Remarks in reply to Lord Clarendon's Statement of May 2<sup>d</sup> 1854,"<sup>2</sup> the original having been sent to his Lordship on the 22<sup>nd</sup> Instant.

I regret their length; but I found it impossible, such were the number of topics introduced in the British Statement, to render them shorter. I trust they may meet the approbation of the President and yourself.

Yours very respectfully.

3024

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 40

LONDON, August 18, 1854.

In the course of conversation with Lord Clarendon on Tuesday last, I observed that the Reciprocity Treaty having been concluded, they ought now to settle the Central American questions and thus remove every subject out of the way which might threaten serious difficulties between the two Countries. He said that the burning of Greytown was not well calculated to lead to such a result. I replied that I thought this act with all its attendant circumstances shewed conclusively the necessity of restoring the Town to Nicaragua, under which alone a regular and orderly Government could be established. In that event, Great Britain and the United States might proceed together, in pursuance of the Clayton & Bulwer Convention, in procuring the establishment of two free Ports one on the Atlantic and the other on the Pacific. He replied, that we seemed to be very partial to Nicaragua. And I said this was not the case,—we only advocated her claims, because we believed she had the right on her side. He informed me that M<sup>r</sup> Crampton had written to him that he had conversed with you in regard to the burning of Greytown; but that you had informed him the Cabinet were at the moment (I think he said) in session on the subject, and that you could then say nothing decisive about it. I told him that I had seen the instructions from yourself and Secretary Dobbin in the Public

<sup>1</sup> Despatches, Great Britain, vol. 66. The receipt date was not indicated.

<sup>2</sup> For Buchanan's reply, dated July 22 and Lord Clarendon's statement of May 2, 1854, see above, this part, docs. 3022 and 3018.

<sup>3</sup> Despatches, Great Britain, vol. 66. Received September 4.

The omitted portions at the beginning and end of this despatch report chiefly on postal, fishery and reciprocity questions, and a claims convention.

Papers; and it was evident from them that Captain Hollins had exceeded his instructions and had no authority to proceed to such extremities.

It cannot be denied that this act of Captain Hollins in burning a town which had been deserted by its population, and in destroying indiscriminately the private property<sup>1</sup> not only of its inhabitants but of the citizens of other countries, has produced a most unfavorable impression in England. Whilst those unfriendly to us denounce it in savage terms, as the London Times did a few days ago, our friends regret it extremely. From the very first, I undertook to express my firm conviction that it was an act done without authority and I await with confidence its disavowal by the Government. At the same time I shall be most happy to learn any circumstances which will palliate the conduct of Captain Hollins in proceeding from the bombardment to the burning the town.

Great Britain, it is true, has no right to regard it as a place under her protection, and should she make any claims upon our Government in this character, on account of the act of Captain Hollins we ought to resist them to the last extremity. In my opinion, however, the British Government will not attempt to pursue such a course.

3025

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 45

LONDON, October 6, 1854.

SIR: In obedience to your instructions, No. 56, of the 16<sup>th</sup> August last,<sup>3</sup> I intend to leave London to-morrow morning for the purpose of meeting Mr. Soulé and Mr. Mason, by appointment, at Ostend on Monday next.

3026

*James Buchanan, John Y. Mason, and Pierre Soulé, United States Ministers respectively to Great Britain, France, and Spain, to William L. Marcy, Secretary of State of the United States*<sup>4</sup>

AIX-LA-CHAPELLE, October 18, 1854.

SIR: The undersigned, in compliance with the wish expressed by the President in the several confidential despatches you have addressed to us

<sup>1</sup> In the manuscript volume someone, evidently in the Department, wrote here in pencil the word "property" above the repetition of the word "private."

<sup>2</sup> Despatches, Great Britain, vol. 66. Received October 21.

The omitted portion of this despatch relates to a consular matter and to the British and French blockade of Russian ports.

<sup>3</sup> Same as instruction No. 26, on this same date, to U. S. Minister Mason in Paris, above, vol. vi, doc. 2495.

<sup>4</sup> Despatches, Great Britain, vol. 66. Received November 4.

respectively<sup>1</sup> to that effect, have met in conference, first at Ostende in Belgium, on the 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> instant, and then at Aix-la-Chapelle, in Prussia, on the days next following, up to the date hereof.

There has been a full and unreserved interchange of views and sentiments between us, which, we are most happy to inform you, has resulted in a cordial coincidence of opinion on the grave and important subjects submitted to our consideration.

We have arrived at the conclusion and are thoroughly convinced that an immediate and earnest effort ought to be made by the Government of the United States to purchase Cuba from Spain, at any price for which it can be obtained, not exceeding the sum of one hundred and twenty millions of dollars.

The proposal should, in our opinion, be made in such a manner as to be presented, through the necessary diplomatic forms, to the supreme Constituent Cortes about to assemble.

On this momentous question, in which the people both of Spain and the United States are so deeply interested, all our proceedings ought to be open, frank, and public. They should be of such a character as to challenge the approbation of the World.

We firmly believe that, in the progress of human events, the time has arrived when the vital interests of Spain are as seriously involved in the sale as those of the United States in the purchase of the Island, and that the transaction will prove equally honorable to both nations.

Under these circumstances, we cannot anticipate a failure, unless, possibly, through the malign influence of foreign Powers who possess no right whatever to interfere in the matter.

We proceed to state some of the reasons which have brought us to this conclusion; and, for the sake of clearness, we shall specify them under two distinct heads:

1. The United States ought, if practicable, to purchase Cuba with as little delay as possible.

2. The probability is great that the Government and Cortes of Spain will prove willing to sell it—because this would essentially promote the highest and best interests of the Spanish people.

Then—1. It must be clear to every reflecting mind, that from the peculiarity of its geographical position and the considerations attendant on it, Cuba is as necessary to the North American Republic as any of its present members, and that it belongs naturally to that great family of States of which the Union is the Providential Nursery.

<sup>1</sup> The United States ministers in Spain, Great Britain, and France were instructed to have a conference concerning Cuba. See instruction No. 26 to Mason in Paris, August 16, 1854, above, vol. vi, doc. 2495, which went as instruction No. 56, *mutatis mutandis*, on the same date, to Buchanan; and see also instructions Nos. 18 and 19 to Soulé in Madrid, both dated August 16, 1854, below, in the volume and part containing Communications to Spain.

From its locality it commands the mouth of the Mississippi and the immense and annually increasing trade which must seek this avenue to the ocean.

On the numerous navigable streams, measuring an aggregate course of some thirty thousand miles, which disembogue themselves through this magnificent river into the Gulf of Mexico, the increase of the population, within the last ten years, amounts to more than that of the entire Union, at the time Louisiana was annexed to it.

The natural and main outlet to the products of this entire population, the highway of their direct intercourse with the Atlantic and the Pacific States can never be secure, but must ever be endangered whilst Cuba is a dependency of a distant Power, in whose possession it has proved to be a source of constant annoyance and embarrassment to their interests.

Indeed, the Union can never enjoy repose, nor possess reliable security, as long as Cuba is not embraced within its boundaries.

Its immediate acquisition by our Government is of paramount importance, and we cannot doubt but that it is a consummation devoutly wished for by its inhabitants.

The intercourse which its proximity to our coasts begets and encourages between them and the citizens of the United States, has, in the progress of time, so united their interests and blended their fortunes, that they now look upon each other as if they were one people and had but one destiny.

Considerations exist which render delay, in the acquisition of this Island, exceedingly dangerous to the United States.

The system of immigration and labor lately organized within its limits, and the tyranny and oppression which characterize its immediate rulers, threaten an insurrection, at every moment, which may result in direful consequences to the American People.

Cuba has thus become to us an unceasing danger, and a permanent cause of anxiety and alarm.

But we need not enlarge on these topics.

It can scarcely be apprehended that foreign Powers, in violation of international law, would interpose their influence with Spain to prevent our acquisition of the Island. Its inhabitants are now suffering under the worst of all possible Governments,—that of absolute despotism, delegated by a distant Power to irresponsible agents who are changed at short intervals, and who are tempted to improve the brief opportunity thus afforded to accumulate fortunes by the basest means.

As long as this system shall endure, humanity may in vain demand the suppression of the African Slave trade in the Island. This is rendered impossible whilst that infamous traffic remains an irresistible temptation and a source of immense profit to needy and avaricious officials who, to attain their ends, scruple not to trample the most sacred principles under foot.



The Spanish Government at home may be well disposed, but experience has proved that it cannot control these remote depositories of its power.

Besides, the Commercial Nations of the world cannot fail to perceive and appreciate the great advantages which would result to their people from a dissolution of the forced and unnatural connection between Spain and Cuba, and the annexation of the latter to the United States. The trade of England and France with Cuba would, in that event, assume at once an important and profitable character and rapidly extend with the increasing population and prosperity of the Island.

2. But if the United States and every Commercial Nation would be benefited by this transfer, the interests of Spain would also be greatly and essentially promoted.

She cannot but see what such a sum of money as we are willing to pay for the Island would effect in the developement of her vast natural resources.

Two-thirds of this sum, if employed in the construction of a system of Rail roads, would ultimately prove a source of greater wealth to the Spanish people than that opened to their vision by Cortes. Their prosperity would date from the ratification of the Treaty of Cession.

France has already constructed continuous lines of Railways from Havre, Marseilles, Valenciennes, and Strasbourg, via Paris, to the Spanish frontier, and anxiously awaits the day when Spain shall find herself in a condition to extend these roads, through her Northern Provinces, to Madrid, Seville, Cadiz, Malaga, and the frontiers of Portugal.

This object once accomplished, Spain would become a center of attraction for the travelling world, and secure a permanent and profitable market for her various productions. Her fields, under the stimulus given to industry by remunerating prices, would team with cereal grain, and her vineyards would bring forth a vastly increased quantity of choice wines. Spain would speedily become, what a bountiful Providence intended she should be, one of the first Nations of Continental Europe, rich, powerful and contented.

Whilst two-thirds of the price of the Island would be ample for the completion of her most important public improvements, she might, with the remaining forty millions, satisfy the demands now pressing so heavily upon her credit, and create a sinking fund which would gradually relieve her from the overwhelming debt now paralysing her energies.

Such is her present wretched financial condition, that her best bonds are sold, upon her own Bourse, at about one third of their par value: whilst another class, on which she pays no interest, have but a nominal value and are quoted at about one sixth of the amount for which they were issued. Besides, these latter are held principally by British creditors who may, from day to day, obtain the effective interposition of their own Government, for the purpose of co-ercing payment. Intimations to that effect have been already thrown out from high quarters, and unless some new source of rev-

enue shall enable Spain to provide for such exigencies it is not improbable that they may be realized.

Should Spain reject the present golden opportunity for developing her resources and removing her financial embarrassments, it may never again return.

Cuba, in its palmiest days, never yielded her Exchequer, after deducting the expenses of its Government, a clear annual income of more than a million and a half of dollars. These expenses have increased to such a degree as to leave a deficit chargeable on the Treasury of Spain to the amount of six hundred thousand dollars.

In a pecuniary point of view, therefore, the Island is an incumbrance instead of a source of profit to the Mother Country.

Under no probable circumstances can Cuba ever yield to Spain one per cent on the large amount which the United States are willing to pay for its acquisition.

But Spain is in imminent danger of losing Cuba without remuneration.

Extreme oppression, it is now universally admitted, justifies any people in endeavoring to relieve themselves from the yoke of their oppressors. The sufferings which the corrupt, arbitrary and unrelenting local administration necessarily entails upon the inhabitants of Cuba cannot fail to stimulate and keep alive that spirit of resistance and revolution against Spain, which has, of late years, been so often manifested. In this condition of affairs, it is vain to expect that the sympathies of the people of the United States will not be warmly enlisted in favor of their oppressed neighbors.

We know that the President is justly inflexible in his determination to execute the neutrality laws, but should the Cubans themselves rise in revolt against the oppressions which they suffer, no human power could prevent citizens of the United States and liberal minded men of other countries from rushing to their assistance.

Besides the present is an age of adventure in which restless and daring spirits abound in every portion of the world.

It is not improbable, therefore, that Cuba may be wrested from Spain by a successful revolution and, in that event, she will lose both the Island and the price which we are now willing to pay for it—a price far beyond what was ever paid by one people to another for any province.

It may also be remarked that the settlement of this vexed question, by the cession of Cuba to the United States, would forever prevent the dangerous complications between nations to which it may otherwise give birth.

It is certain that, should the Cubans themselves organize an insurrection against the Spanish Government, and should other independent nations come to the aid of Spain in the contest, no human power could, in our opinion, prevent the people and Government of the United States from taking part in such a civil war in support of their neighbors and friends.

But, if Spain, deaf to the voice of her own interest, and actuated, by stub-

born pride and a false sense of honor, should refuse to sell Cuba to the United States, then the question will arise what ought to be the course of the American Government under such circumstances.

Self-preservation is the first law of nature, with States as well as with individuals. All nations have, at different periods, acted upon this maxim. Although it has been made the pretext for committing flagrant injustice, as in the partition of Poland and other similiar cases which history records, yet the principle itself, though often abused, has always been recognised.

The United States have never acquired a foot of territory, except by fair purchase, or, as in the case of Texas, upon the free and voluntary application of the people of that independent State, who desired to blend their destinies with our own.

Even our acquisitions from Mexico are no exception to this rule, because, although we might have claimed them by the right of conquest in a just war, yet we purchased them for what was then considered by both parties a full and ample equivalent.

Our past history forbids that we should acquire the Island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must in any event preserve our own conscious rectitude and our own self-respect.

Whilst pursuing this course, we can afford to disregard the censures of the world to which we have been so often and so unjustly exposed.

After we shall have offered Spain a price for Cuba, far beyond its present value, and this shall have been refused, it will then be time to consider the question, does Cuba in the possession of Spain seriously endanger our internal peace and the existence of our cherished Union.

Should this question be answered in the affirmative, then, by every law human and Divine, we shall be justified in wresting it from Spain, if we possess the power; and this, upon the very same principle that would justify an individual in tearing down the burning house of his neighbor, if there were no other means of preventing the flames from destroying his own house.

Under such circumstances, we ought neither to count the cost, nor regard the odds which Spain might enlist against us. We forbear to enter into the question, whether the present condition of the Island would justify such a measure. We should however be recreant to our duty, be unworthy of our gallant forefathers and commit base treason against our posterity, should we permit Cuba to be Africanized and become a second St. Domingo with all its attendant horrors to the white race, and suffer the flames to extend to our own neighboring shores, seriously to endanger or actually to consume the fair fabric of our Union.

We fear that the course and current of events are rapidly tending towards such a catastrophe. We however hope for the best, though we ought certainly to be prepared for the worst.

We also forbear to investigate the present condition of the questions at issue between the United States and Spain.

A long series of injuries to our people have been committed in Cuba by Spanish officials, and are unredressed. But recently, a most flagrant outrage on the rights of American citizens, and on the flag of the United States, was perpetrated in the harbor of Havanna, under circumstances which without immediate redress would have justified a resort to measures of war, in vindication of National honor. That outrage is not only unatoned, but the Spanish Government has deliberately sanctioned the acts of its subordinates and assumed the responsibility attaching to them.<sup>1</sup>

Nothing could more impressively teach us the danger to which those peaceful relations it has ever been the policy of the United States to cherish with foreign nations are constantly exposed than the circumstances of that case.

Situated as Spain and the United States are, the latter have forborne to resort to extreme measures.

But this course cannot, with due regard to their own dignity as an independent nation, continue; and our recommendations, now submitted, are dictated by the firm belief that the cession of Cuba to the United States, with stipulations as beneficial to Spain as those suggested, is the only effective mode of settling all past differences and of securing the two countries against future collisions.

We have already witnessed the happy results for both countries which followed a similar arrangement in regard to Florida.

Yours very respectfully.

3027

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

No. 46

LONDON, October 23, 1854.

SIR: I have the honor to inform you that I returned to this Legation on Saturday the 21<sup>st</sup> Instant, after a fortnight's absence, from the conference between M<sup>r</sup> Mason, M<sup>r</sup> Soulé & myself, held first at Ostend, & afterwards at Aix La Chapelle. Our joint Despatch to you dated at the latter City, on the 18<sup>th</sup> Instant,<sup>3</sup> will make known to you fully the result of our deliberations. As this has already been transmitted to you by Duncan K. M'Rae, Esquire, U. S. Consul at Paris, whom M<sup>r</sup> Soulé selected for this purpose, it has become unnecessary for me to prepare & send another copy.

Yours very respectfully.

<sup>1</sup> Concerning the *Black Warrior* case, see below, in the volume and part containing Communications from Spain, *passim*.

<sup>2</sup> Despatches, Great Britain, vol. 66. Received November 13.

<sup>3</sup> Above, this part, doc. 3026.

3028

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 47

LONDON, October 31, 1854.

SIR: I visited the Foreign Office on Friday afternoon last, for the purpose of paying my respects to Lord Clarendon, not having seen him for several weeks. In soliciting the interview, I informed him that I had no "business of the least importance" to bring to his notice. His Lordship was thus left free to introduce what topics he pleased. He very soon adverted to the recent "Congress of American Ministers on the Continent,"<sup>2</sup> which has given rise to so many absurd surmises and reports. We had much agreeable bagatelle upon this subject, in which I treated in the jesting manner they deserved, the various ridiculous rumors concerning the conference which had found their way into the Public Prints. Still, he manifested considerable anxiety to learn something of the objects of our meeting and the nature of our proceedings. I told him nothing could be more natural and proper, under the circumstances, than the desire of the Administration at Washington that Mr. Mason and myself should meet Mr. Soulé and advise with him in regard to the existing relations which he had in charge, between Spain and the United States. It was true, that far more eclat than was necessary had been given to this very simple and informal affair; and I assured him there was no foundation for his remark that Mr. Dudley Mann, the Assistant Secretary of State, had been sent out by you to preside at our meeting. He had not the least connection with it and had, in fact, returned to the United States before it took place. I said it would be improper for me to give him any information in regard to our proceedings. This was a secret which belonged exclusively to the Administration at Washington, but still I might assure him that nothing had transpired which ought to give the slightest offence to the British Government. They might differ in opinion from the members of the conference on certain points, but so far as I was personally concerned, I should be quite willing to see our proceedings published in the London Times. He then expressed a strong desire, (with which I was not displeased) to know why we were so anxious to acquire Cuba. I told him the constant danger that Cuba might be "Africanized", and become a second St. Domingo, thus threatening our domestic security, was one principal cause of our anxiety. He replied that he felt confident there was not the slightest danger of any such results. I then added that the people of the valley of the Mississippi, whose numerous navigable rivers in their courses measured some thirty thousand miles, had scarcely any other outlet for their

<sup>1</sup> Despatches, Great Britain, vol. 66. Received November 13.

<sup>2</sup> See the joint report of this conference between Soulé, Mason, and Buchanan, ministers of the United States to Spain, France, and Great Britain respectively, above, this part, October 18, 1854, doc. 3026.

productions, to the ocean, than through the Mississippi, and that the Island commanded its mouth. From the position of Cuba, therefore, we felt a deep interest in its acquisition, but this only on fair and honorable terms. We were opposed to all fillibustering expeditions; but we would give a price for the Island, which would enable Spain, now in a state of hopeless bankruptcy, to develop her resources by constructing a system of National Rail-Roads and to make provision for restoring her credit and paying the interest due to the holders of her Bonds. The conversation then branched off upon the conduct of Mr. Soulé at Madrid, which I defended, employing for this purpose, the information he had furnished me; and Lord Clarendon recounted unfounded charges which had been made against him by the Spanish press, whilst he was Minister in Spain, illustrative of the suspicious character of the people of that country.

His Lordship then, with much apparent anxiety, expressed his deep regret that the President had again sent Captain Hollins in command of a naval force to Grey Town,<sup>1</sup> and his serious apprehension, from the character of the Captain, that there might be a collision between the parties at that place. I told him I had not heard from you that Captain Hollins had been sent, and expressed some doubt upon the subject, as the reports in the Public papers had been contradictory. He said, nevertheless, it was certain,—that at the first the President had determined not to send him back again, but had afterwards changed his mind, on the solicitation of his friends. I told him I did not apprehend any danger of collision between the forces, as I entertained a perfect confidence that his instructions had been prudently and carefully prepared, and I doubted not the British Government had pursued a similar course. It was possible that if he and Captain Jolly should meet they might have a personal conflict, but this could not involve the peace of the two countries. After some further general conversation upon this subject;—His Lordship next adverted to our acquisition of the Sandwich Islands. He said that a Treaty had already been concluded for this purpose, and that when Mr Crampton spoke to you upon the subject, you had informed him that if these Islands should be offered to the United States, they would be accepted. I told him that here again he had the advantage of me. I had heard from you neither of the existence of the Treaty, nor that it would be sanctioned by the President. His Lordship manifested more feeling upon this subject than I could have anticipated. He said the Government of Great Britain had refused to accept a cession of the Sandwich Islands when it was offered in 1843. That they had supposed it was perfectly understood among the Commercial Powers chiefly interested, that these Islands were to remain independent, the vessels of each having free access upon equal terms, to their Ports. That he understood the Government of the United States had been

<sup>1</sup> For his actions in San Juan, or Greytown, in July 1854, see above, this volume, pt. 1, p. 108, note 2.

perfectly content with this arrangement. Of course, having no recent instructions and no authentic information, I waived this subject for a future occasion.

And here it is my duty to observe that I fear the annexation of these Islands, at the present moment, may result in serious consequences. After having been a close observer for more than a year in England, I am now convinced that both this Government and People earnestly desire to preserve peaceful and friendly relations with the United States. They would make many sacrifices rather than go to war with us. In my opinion, Louis Napoleon is not inspired by similar sentiments. As a despot, he regards the existence and the rapid advance of the Republic of the United States as a standing censure upon his usurpation and his tyranny. He has annihilated liberty in France, and looks upon its existence in our country with extreme jealousy. He is bold, wary and unscrupulous. Knowing that our naval force is comparatively insignificant, though of the very best material, it would be altogether in consistency with his character to attempt to humble us by one of those bold strokes in which he so much delights, and to declare that we shall not have the Sandwich Islands. In vain might we justly say to him that under the law of Nations, the people of the Sandwich Islands had a right to cede them, and we had a right to accept this cession, without the interference of any third Power. His past history proves how little such considerations would influence his conduct.

And here I am sorry to observe that I believe him to be the controlling spirit of the Alliance. His influence over the Counsels of Great Britain is very great, if not commanding. I do not think there is any heart love between them, yet she dreads the consequences of a rupture with France. It is, therefore, not improbable that he might be able to induce Great Britain to unite with him in an attempt to prevent us from acquiring the Sandwich Islands.

The allies have already sustained an immense loss of human life in the Crimea, both by battle and by disease. That they will eventually capture Sebastopol is generally believed; but this will be accomplished by a great additional sacrifice of human life. No well informed person, however, believes that the capture of Sebastopol will terminate the war, or that the Czar in that event, would yield to the terms which Great Britain and France are disposed to dictate. Indeed, they can do him but little more harm. But in case of a rupture between us and the Allies, or, what is more probable, between us and France alone, he could render us but very little service. The contest would be one purely by sea; because no European Power, it is presumed, would commit the folly of landing forces on our Continent, although I have been informed that individuals near the Emperor Napoleon express the belief that the Union is ready to fall to pieces on the Slavery question.

I have felt it to be my duty to throw out these suggestions in order that

you may be prepared for any contingency. I believe we might acquire Cuba with far less danger of serious consequences than would result from the acquisition of the Sandwich Islands. For the former we ought to be willing, if necessary, to risk a war. It is questionable whether we ought to do this for the latter. The former we could defend, with the assistance of its population, whilst the defence of the latter, from their great distance, and the feebleness of each of the separate Islands, and our inability to send troops to their assistance, would be attended with great difficulty. Besides, it is worthy of consideration, whether the annexation of the Islands might not raise a clamor in France and England against our annexing propensities and produce a concert between these Powers, which I am convinced does not exist at present, to prevent our acquisition of Cuba,—which is a necessity.

Lord Clarendon next adverted to our proposed Protectorate of the Dominican Republic, and our acquisition of Samana. I told him I had heard nothing from you on this subject, and therefore presumed that the object of our Government, if there were any truth in the report, was to acquire a Naval Station in the West Indies, of which we were greatly in need, such as we already had in the Mediterranean. I send you the Morning Post of Friday last, containing a leading Editorial on this subject. This Journal is supposed to be the organ of Lord Palmerston, and it certainly always defends and eulogises him.

We then had a conversation respecting a Consular Convention, which His Lordship will have no difficulty in concluding. The want of it is a cause of great labor and annoyance to this Legation; and, what is much more important, injuriously affects our Navigating & Commercial interests, throughout the British Empire.

Here I rose to leave, determined not to introduce the subject of the recent refusal of the French authorities at Calais to permit M<sup>r</sup> Soulé to enter France. His Lordship, however, asked me if I knew any cause for this refusal, and expressed a fear that M<sup>r</sup> Soulé might have said or done something to give serious offence to the Emperor of the French.

This afforded me an opportunity, which I embraced, of speaking my mind freely on this act of the French Government.

I said that, unexplained, it could be viewed in no other light than a deliberate insult to the United States. I recollected no example in modern times, of the refusal of one country to grant to the Public Minister of another country, whilst peaceful relations subsisted between them, the right of passage to the Court where he had been accredited. M<sup>r</sup> Soulé was travelling under a Passport from M<sup>r</sup> Pacheco, the Spanish Minister for Foreign Affairs, and was on his return to Spain, after a brief visit to London. He had received no previous notice of the intention of the French Government to refuse him a passage. The information was first communicated to him by the Commis-



sary of Police at Calais. Even admitting, which I did not for a moment believe, that M<sup>r</sup> Soulé had said or done something to give just offence to the French Emperor this would be no justification or excuse for the denial of a passage to him as the Minister of a friendly nation. It was impossible that Louis Napoleon, whilst exercising despotic power over thirty-six millions of Frenchmen and with the system of espionage which existed in France, could say that his Government would be in danger from permitting M<sup>r</sup> Soulé to pass through his dominions to Spain. As the case at present appeared, I could view it in no other light than a premeditated insult to the Government of my country. We were a young nation and could not afford to submit patiently to such an indignity; and I was persuaded however much the people of the United States might be divided on domestic questions, they would to a man resent any insult to the National honor. That in my opinion, if a suitable atonement were not made for this act, or if satisfactory reasons were not given for it, which I did not consider possible, M<sup>r</sup> Mason would be justified in demanding his Passports. I might, also, add that I had come to the knowledge of other circumstances, which, in connection with the recent overt act, induced me to apprehend that the French Emperor indulged hostile feelings towards the United States.

His Lordship appeared to be deeply impressed with what I had said, and laying his hand upon his heart declared upon his honor that he knew I was mistaken in attributing to Louis Napoleon unfriendly sentiments towards the United States. On the contrary, he knew that the Emperor was desirous of maintaining and cultivating the most friendly relations with our Country,—of this, I might feel well assured.

This conversation took place on Friday, and on Monday the 30<sup>th</sup> there appeared in the Times, a leading and significant editorial on the subject. To this I would specially refer you. I now learn that M<sup>r</sup> Mason addressed his note to the French Minister for Foreign Affairs on the 27<sup>th</sup> Instant;<sup>1</sup> and I cannot doubt that this article was prepared with a reference to that note and probably to my conversation with Lord Clarendon.

The plot thickens, and it will require all your skill to navigate the Ship of State successfully through the breakers. But she is a gallant vessel and will triumphantly weather the storm.

Even the audacity of the French Emperor will hesitate before coming to extremities with the United States. He will be unwilling to risk the consequences which might result to himself from the loss to the Bourgeoisie of his good city of Paris and other Cities, of the immense purchases of Expensive Articles of French Manufacture made by our wealthy and extravagant citizens. These, according to current report, surpass those of any other nation. This species of trade is altogether for the benefit of French Manufacturers and shop keepers, without any corresponding advantages to our

<sup>1</sup> Above, vol. vi, doc. 2640.

Country. Its sudden interruption might raise a storm about Louis Napoleon which he would not be able to weather.

Lord Clarendon and myself had then some conversation about our Central American difficulties, from which I might infer an increased disposition to settle them. I shall not repeat it, because its character was not such as to inspire me with any great degree of confidence, and I have already sufficiently troubled you on this matter.

Yours Very Respectfully.

3029

*John F. Crampton, British Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, November 2, 1854.

SIR: A Report has been received by Her Majesty's Government from Rear Admiral Fanshawe, stating that Her Majesty's Steam Sloop "Devastation" had found three vessels under American Colours at the uninhabited Island of Avis [Aves?], in Latitude 15°. 40' North, and Longitude 63°. 36', loading Guano, of which there appears to be large quantities in that Island; and that the Makers of the three Vessels had hoisted in the Island the American Flag, and had erected a fence round it, thereby making it appear that the Island was under the Sovereignty of the United States.

In making this communication to Her Majesty's Principal Secretary of State for Foreign Affairs, the Lords of the Admiralty have informed His Lordship that the Island of Avis, which is stated to be only one day's sail from St. Croix, was surveyed by the order of Her Majesty's Government in 1849, and that their Lordships are not aware of any other Power having laid claim to the Island.

I have now been instructed by Her Majesty's Government to bring the above circumstances to the knowledge of the Government of the United States, and at the same time to enquire whether the United States adopt the act of their Citizens,—whether they consider the Island of Avis to be in the occupation of the United States,—and whether, consequently, British Subjects will be precluded from obtaining Guano from that Island.

I avail myself [etc.].

<sup>1</sup> Notes from Great Britain, vol. 31. Received November 3.

3030

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

LONDON, November 3, 1854.

MY DEAR SIR: It is with much pleasure I inform you that the French Government have revoked the order refusing M<sup>r</sup> Soulé<sup>2</sup> permission to enter France. This information is official & authentic; but I have not time to give you the particulars before the closing of the Despatch Bag. Great credit is due to M<sup>r</sup> Mason for the able discreet & judicious manner in which he has conducted this affair.

M<sup>r</sup> Soulé will leave here on his return to Madrid, via Calais & Paris, on Monday next.

Yours very respectfully.

3031

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 49

LONDON, November 21, 1854.

On Friday last, I called upon Lord Clarendon by his own invitation on a matter wholly personal to him and myself. The conversation between us branched off, as it usually does, to matters and things in general. In the course of it, I observed an increasing disposition to settle the Central American questions upon satisfactory terms, of which several slight indications had been previously given; and yet I cannot express the opinion that this disposition will result in any decided action. He informed me, that he had some time since prepared an answer to my statement of the 22<sup>d</sup> July last;<sup>4</sup> but not caring to have the last word, he had hitherto omitted to send it.

I feel confident there would not be the least difficulty in arriving at a satisfactory adjustment of the Mosquito question. The point of difficulty with the British Government is the Bay Islands. In the course of the conversation, he intimated that it might be desirable to have the opinion of a third Power on the true construction of the Convention. To this I playfully observed that it would now be difficult to find an impartial umpire, as they had gone to war with our arbitrator, the Emperor of Russia. This was, however, but a mere intimation on his part. I then urged upon him as strongly as I could the reasons which, I thought, ought to induce the British

<sup>1</sup> Despatches, Great Britain, vol. 66. The receipt date was not indicated.

<sup>2</sup> Soulé was the United States minister to Spain, and Mason, who is mentioned below in this despatch, was the United States minister to France.

<sup>3</sup> Despatches, Great Britain, vol. 66. Received December 11.

The omitted portions at the beginning and end of this despatch relate chiefly to postal affairs and to claims matters.

<sup>4</sup> Above, this part, doc. 3022.

Government to relinquish the Bay Islands to Honduras. He replied, that these Islands were not of the least value to Great Britain; and the only question with them was whether the national honor did not forbid this course.

He is evidently apprehensive that the conduct of Captain Hollins, on his return to Greytown,<sup>1</sup> may lead to some new complications. I told him I had great faith in your sound judgment and prudence and had no doubt your instructions to the Captain would fully justify this opinion, though I had not the least knowledge of what they were.

I am happy to believe, that we shall soon know the final determination of the British Government on the Central American questions. Should Lord Clarendon send the answer to my statement which he informed me he had prepared, I presume it will be decisive.

The very great freedom with which we converse whenever we meet, and the excellent opinion which I entertain of his Lordship, forbid me to report what he says, unless upon official interviews. Indeed, I would consider it dishonorable. Suffice it to observe, that upon all suitable occasions, I never fail to say something in favor of my own country. The Island of Cuba,—the balance of power in Europe,—the resistance which we would make to the application of this doctrine to America,—the threats thrown out in some of the British Journals, that England and France would regulate us after they had done with Russia; the visits of inquiry and discovery of Messrs. Crampton and Sartiges to yourself, &c, &c, &c, are topics upon which I often comment.

I gave him as graphical an account, as I could, of your interview with these gentlemen on Dominican affairs.

I entertain not the least doubt of the warm and friendly feelings of Lord Clarendon towards the United States. I wish I could say as much for his colleague Lord Palmerston.

3032

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 50

LONDON, November 28, 1854.

SIR: I had the honor of receiving, on yesterday, your Despatch No. 66, of the 14<sup>th</sup> Instant,<sup>3</sup> together with a copy of your Despatch to Mr. Soulé of the

<sup>1</sup> For Captain Hollins's visit to Greytown, or San Juan, in July 1854, see above, this volume, pt. 1, p. 108, note 2.

<sup>2</sup> Despatches, Great Britain, vol. 66. Received December 14.

The omitted portion at the end of this despatch relates to the Crimean war and other matters not pertinent to this publication.

<sup>3</sup> Same as instruction No. 33, of this date, *mutatis mutandis*, to Minister Mason in Paris, above, vol. vi, doc. 2496, transmitting a copy of instruction No. 27 to Minister Soulé in Madrid, dated November 13, 1854, respecting Cuba, which is below, in the volume and part containing Communications to Spain.

13<sup>th</sup> Instant,<sup>1</sup> transmitted for my information. The original Despatch to Mr. Soulé was received at the same time with a note from Mr. Hunter, as follows, "If Mr. Soulé should be in London, please hand him the enclosed. If, however, he should have started for Spain, please forward it to him."

I have already sent this Despatch to Mr. Mason to be forwarded from Paris; because the opportunities are very rare of sending any communication direct from London to Madrid; and I do not know any trustworthy person here whom I could employ as a Special Bearer of Despatches, even if I possessed the authority to draw upon the Bankers of the United States, in London, for his expenses and services. Of course, such a Despatch cannot be entrusted to the Mail.

3033

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 53

LONDON, December 29, 1854.

SIR: I have the honor to acknowledge the receipt of your Despatch No. 69, of the 5<sup>th</sup> instant.<sup>3</sup>

I had a long and interesting conversation with Lord Aberdeen yesterday, at his private residence, upon the Central American questions, including that of Greytown. The result was, upon the whole, more promising and satisfactory than I had reason to anticipate. As Premier he felt himself at liberty to speak more freely on these subjects than Lord Clarendon had ever done. I regret that I have not been able to find time to report this conversation to you for to-morrow's Steamer.

3034

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>4</sup>

No. 54

LONDON, December 30, 1854.

SIR: In pursuance of a previous understanding, I called upon the Earl of Aberdeen,<sup>5</sup> at his private residence, on Thursday last, the 28<sup>th</sup> Instant & was received with great kindness. After conversing upon several subjects, & especially the Russian war which is at present a universal topic in this coun-

<sup>1</sup> See footnote 3 on preceding page.

<sup>2</sup> Despatches, Great Britain, vol. 66. Received January 12.

<sup>3</sup> The omitted portion at the end of this despatch does not concern inter-American affairs.

<sup>4</sup> It related to deserters from British ships and is not included in this publication.

<sup>5</sup> Despatches, Great Britain, vol. 66. The receipt date was not indicated.

<sup>6</sup> Premier of Great Britain at that time.

try, I said I had called to see him for the double purpose of cultivating more intimate personal relations with his Lordship to which I had been so kindly invited, & of conversing with him on the Central American questions between the two Governments. I did not know whether it would be *comme il faut* for me to address myself to any member of the Government, except Lord Clarendon upon these questions; & if it were not, I should feel myself indebted to him to put me right. That it was natural an American Minister should resort to his Lordship when difficulties occurred between the two Countries, as it was well known & justly appreciated in the United States, that he had been mainly instrumental in adjusting such difficulties on former occasions.

He replied that it was perfectly proper for me to converse with him upon the subject & he would be happy to hold such a conversation with me. Whilst Lord Clarendon was the appropriate official organ of the Government in regard to Foreign affairs, he exercised a general superintendence over the whole. He then expressed the hope that Lord Clarendon & myself got along well together; & in answer I spoke of Lord Clarendon in the strong & friendly manner which his conduct towards me has uniformly deserved; but added, I was sorry to say, we had made but slow progress in the Central American questions.

The conversation then branched off upon the Ashburton Treaty & the Oregon Treaty, as well as the agency of his Lordship in concluding them; but this I need not repeat.

I then asked him if he had found time, amidst his other important engagements to bestow any particular attention upon the Central American questions. He said, he had read the correspondence between Lord Clarendon & myself, & that my reply was a masterly & powerful paper. With several portions of it he entirely agreed; but from others he dissented. The Greytown affair<sup>1</sup> was an unpleasant circumstance & rendered it difficult for them, at the present moment to settle these questions; but he did not believe that the Government of the United States could have intended any insult to the British Government by that unfortunate expedition. He had no doubt there were many lawless people at Greytown, & our Government might truly allege that we had in this affair taken a leaf out of their book, for Great Britain had on some occasions proceeded in a like summary manner against such people; but in this instance, he thought our Government had gone beyond what they had ever done. He proceeded & said that in regard to the Mosquito question,—it could produce no serious difficulty between the two Countries. He made several remarks in a conciliatory spirit, on this question with which I need not trouble you; because as I have intimated to you heretofore, I feel satisfied they are nearly as anxious to relieve themselves

<sup>1</sup> He presumably refers to the bombardment of Greytown, or San Juan, by Captain Hollins and his men. See above, this volume, pt. 1, p.108, note 2, regarding that affair.

from the Mosquito Protectorate, as we are, that they should withdraw from it. The Greytown affair may interpose a momentary difficulty; but that will soon pass away & be forgotten.

Finding his Lordship disposed to speak freely, & not willing to interrupt him, I then merely remarked that he had said nothing in regard to the Bay Islands which my Government believed to be a question of great & pressing importance. He then proceeded;—As to the Bay Islands, their claim to them rested entirely upon the question, whether they could be considered as legitimate dependencies of British Honduras. He thought it was doubtful whether they could be considered in that light. He was not prepared to express a decided opinion on this subject. Still, he thought this question could present no insurmountable difficulty. According to the Scotch proverb, “where there was a will, there would always be a way.” He then asked, what interest the Government of the United States could have in these Islands? I told him we did not claim any territorial interest in them. That when our Government entered into the Clayton & Bulwer Treaty, we had agreed not to acquire any territory in Central America, & they had as an equivalent bound themselves, as we firmly believed, to withdraw from all their Central American possessions & thus place the two countries on an exact equality in that region. We were anxious, therefore, that they should restore these Islands to the State of Honduras to which, in our opinion, they rightfully belonged & this was our only interest. Ruatan had been captured from Honduras, in 1831, by Colonel M'Donald [McDonald?], the superintendent of Belise [Belize?], whom I believed to be a very troublesome man; but was afterwards restored by the British Government. This same Colonel M'Donald, however, had again captured Ruatan in 1841, under circumstances of such a character as to meet the unqualified condemnation of Crowe, a respectable British author, in his Gospel History of Central America.

His Lordship then said, he thought it would be difficult for them to maintain that the Bay Islands were dependencies of Belise. He rather believed that the Islands referred to in their Treaties with Spain were certain small Islands in the immediate vicinity of that settlement & did not extend to so large an Island as Ruatan & one at such a distance. He remarked the Belise was a sort of exceptional settlement under their old Treaty with Spain,—that they had never appointed a regular Governor over it, as they had done over their other Colonies, but a superintendent.

This led to a conversation on the subject of the notes exchanged between M<sup>r</sup> Clayton & Sir Henry Bulwer previous to the exchange of ratifications of the Treaty,<sup>1</sup> the communication of these notes to the Senate afterwards by M<sup>r</sup> Everett & the consequent discussions in that Body. In the course of this conversation I told him emphatically, that if it had been believed by

<sup>1</sup> He presumably refers to British Minister Bulwer's two notes dated June 29 and July 4, 1850, above, this part, docs. 2917 and 2918, and Secretary Clayton's note of July 4, 1850, above, this volume, pt. 1, doc. 2709.

the Senate that the Treaty did not require them to withdraw from their Central American possessions, there would not have been a single vote in that Body in favor of its ratification.

After some further conversation, in which he manifested a most amicable spirit, I then asked what remained to prevent us from at once proceeding to settle these unfortunate Central American difficulties? Why should they remain as obstacles to that firm & sincere friendship between the two nations which, for one, I was so anxious to promote by every honorable means. The trade between the two Countries was immense. In 1853, their exports to the United States had been within a million & an half of pounds of the whole amount of their exports to all the Continental Nations of Europe, Turkey alone excepted. That the interests of Constitutional freedom, as well as the progress of civilisation throughout the world required, that Great Britain & the United States should be the best friends.

Besides, I observed that the internal affairs of the Central American States were now in an unhappy & distracted condition from which they could not probably be relieved until the difficulties were settled between Great Britain & the United States when both could employ their good offices for this purpose. In the mean time Capitalists would not invest their money in the construction of Rail Roads & Canals across the different routes on the Isthmus which must prove so valuable to the commerce of both nations.

His Lordship answered, that as to thoroughfares across the Isthmus, he had never considered them of so much importance as other people had done. The value & importance, however, of a sincere & lasting friendship between Great Britain & the United States could scarcely be over-rated. No man could be more anxious than himself to promote the best understanding between the two Countries. Whilst this had, at all times been his desire, their existing war with Russia was a good reason why they should feel, at the present time, doubly anxious to cultivate the best relations with the United States.

After some conversation in regard to the existing & projected thoroughfares across the Isthmus, & the practicability of a thorough Cut [*sic*] Canal, I took my leave, his Lordship saying, he should be most happy to see me at all times & expressing the desire that I might speedily call again.

In this interview, he made a favorable impression upon me. He is believed even by his political opponents to be a frank, sincere & honest man, & he has always professed to entertain friendly feelings for our Country. Should nothing occur on the other side of the Atlantic further to complicate the Greytown difficulty, on which they are extremely sensitive, there would seem to be a better prospect than heretofore of settling the Central American questions.

Yours very respectfully.



3035

*John F. Crampton, British Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, January 8, 1855.

SIR: Her Majesty's Government having been informed on official authority that a belief is entertained in the United States that the British and Spanish Governments have made an arrangement by which immense numbers of free negroes have been introduced into the Island of Cuba, I have been instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to state to you Sir, formally, that such belief is utterly without foundation; no such arrangement having been made or contemplated; and no free negroes having been to the knowledge of Her Majesty's Government landed in Cuba.

I avail myself of this opportunity [etc.].

3036

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 57

LONDON, January 19, 1855.

SIR: I again called upon Lord Clarendon on Wednesday last by appointment, on the subject of the proposed Consular Convention between the two Governments;<sup>3</sup> . . .

We then branched off, as is our wont, upon the Central American questions and upon the opinions expressed by Lord Aberdeen to me, which I communicated to him and have reported to you in my No. 54.<sup>4</sup> It is evident that Lord Clarendon differs from the Premier on these questions, though he expressed as he had often done, a strong desire to settle them, and an entire willingness to yield his opinions; and he promised to converse with Lord Aberdeen upon them without delay, and give me immediate notice of the result.

I have not been unmindful of your important Despatch, No. 52, of the 7<sup>th</sup> August last,<sup>5</sup> instructing me to propose to conclude a Treaty with Great Britain establishing the principles that "Free ships shall make free goods;" and that the property of a friend captured on board the vessel of an enemy

<sup>1</sup> Notes from Great Britain, vol. 32. The receipt date was not indicated.

<sup>2</sup> Despatches, Great Britain, vol. 66. Received February 2.

<sup>3</sup> The portion omitted here, and the omission at the end of this despatch relate chiefly to a consular convention, and to the opposition in England to the principles in a proposed treaty with the United States, in regard to neutral commerce in time of war.

<sup>4</sup> Above, this part, December 30, 1854, doc. 3034. Lord Aberdeen was Premier of Great Britain and Lord Clarendon the Secretary of State for Foreign Affairs, at this time.

<sup>5</sup> Not included in this publication. Its content is indicated below in this despatch.

shall not be confiscated, contraband in both cases excepted. The only reason why I have not hitherto formally presented this proposal is the moral certainty that it would be rejected: and this not because the present Ministry are opposed to it, but for the reason that they would not, in the midst of the existing war with Russia, be willing to encounter the opposition which such a Treaty would occasion. As I have before informed you, this war is emphatically a war of the masses of the people of England; and public opinion has been decidedly opposed and loudly expressed against the Government even for having permitted any trade with Russia to be carried on by neutrals through Prussian Ports. This they could not have prohibited, without violating the law of nations.

## 3037

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 65

LONDON, April 6, 1855.

SIR: After my Despatch of yesterday's date,<sup>2</sup> I called upon Lord Clarendon at the Foreign Office. The first topics were the existing war, the conference at Vienna and the prospects of peace. . . .

I then mentioned that I had received a Despatch from you (No. 78)<sup>3</sup> covering the copy of a Despatch to you from Mr. Wheeler, our Minister in Central America, with copies of accompanying documents;<sup>4</sup> of which I intended to leave him copies. These papers proved conclusively that the inhabitants of Greytown were of a most lawless and tumultuous character; indeed, that they were little better than banditti. That they had no responsible Government, and that life and property there were rendered wholly insecure. That whilst they were permitted to remain in their present lawless state, individuals would be unwilling to entrust their property and their lives over this great transit route; and that these evils could only be effectually remedied by restoring the possession of Greytown to Nicaragua.

For the first time, in our intercourse, the placid temper of Lord Clarendon became much excited: and he criticised with some degree of severity the President's Message of December last, relative to the inhabitants of Greytown;—he said they had a very good Government there—a Government

<sup>1</sup> Despatches, Great Britain, vol. 67. Received May 12.

The omitted portion relates to the Crimean war and other matters not pertinent to this publication.

<sup>2</sup> Not pertinent to this publication.

<sup>3</sup> Above, this volume, pt. 1, March 10, 1855, doc. 2752.

<sup>4</sup> He presumably refers to Wheeler's despatch No. 7, February 19, 1855, an extract from which is above, vol. IV, doc. 1285. The enclosures with that despatch are not included in this publication. They described an attack on a party of United States citizens by armed men from Greytown.

which had been sanctioned by Mr. Webster himself, when Captain Hollins destroyed the Town.<sup>1</sup> That to this wanton destruction, their present condition must be attributed. The poor creatures had had their houses burnt about their ears and their property destroyed, and it was no wonder they should be driven to acts of desperation. He, also, observed that when the news first arrived, I had expressed the opinion to him, that the act of Captain Hollins was not authorized by his Government and would not be justified by it.

In my turn I became excited and spoke, also, with some degree of severity. I told him that his criticisms on the President's Message were altogether unjust. The character which it had attributed to the outlaws at Greytown was well and richly deserved. That the evidence before the world abundantly demonstrated this fact. It was true, I had expressed the opinion to him that Captain Hollins was not justified in going so far as to burn Greytown, and had, in this respect, exceeded his instructions; but this, not because its inhabitants did not deserve severe and exemplary punishment. That there never had been a Government in Greytown, deserving the name, since the British first captured it from Nicaragua, and it was a disgrace that such miscreants should occupy this important position on one of the great routes of transit between the two oceans. The property of British subjects as well as of American citizens, to a large amount, was thus constantly exposed to depredation and plunder.

I purposely omit some petty sharp expressions used on both sides.

We then proceeded to converse in a calm manner in relation to Central American affairs: and I am sorry to say that from this conversation I have reason to believe that my anticipations will be realized in regard to the policy of Lord Palmerston's administration in Central America. I regret that I cannot report this communication to you to-day<sup>2</sup> in time to have it copied before the closing of the Despatch Bag; which I cannot delay for a later mail to Liverpool, as this is Good Friday, which is kept in England as strictly as though it were the Sabbath.

Not having in the least degree anticipated the feeling manifested by Lord Clarendon in regard to Greytown, and being unable to conjecture its meaning, I have deemed it my duty not to suffer a steamer to depart without communicating to you the fact; otherwise, I should have waited and reported the entire conversation of the day by the steamer of next week.

I did not leave a copy of Mr. Wheeler's Despatch and the accompanying documents with Lord Clarendon, because I discovered in the former a paragraph which ought to be omitted. I shall send them to him to-morrow. His Lordship, in the course of the conversation, expressed a favorable opinion of Mr. Wheeler.

Yours very respectfully.

<sup>1</sup> In regard to the bombardment of Greytown, or San Juan, see above, this volume, pt. 1, p. 108, note 2.

<sup>2</sup> It is reported in his No. 66, April 7, 1855, below, this part, doc. 3038.

## 3038

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 66

LONDON, April 7, 1855.

SIR: I now proceed to complete the Despatch of yesterday<sup>2</sup> then left unfinished for the reason therein stated. In order, however, that you may justly appreciate the effect of the concluding portion of the conversation of Thursday evening last, between Lord Clarendon and myself, it will be necessary to bring to your notice some previous circumstances.

In my Despatch (No. 54.)<sup>3</sup> I reported a conversation held on the 28<sup>th</sup> December last, with the Earl of Aberdeen, then Prime Minister, on the Central American questions. From this conversation, there was reason to hope that the British Government, notwithstanding the opinions expressed in Lord Clarendon's Statement of the 2<sup>d</sup> May 1854,<sup>4</sup> might eventually consent to settle these questions on terms conformable to the Clayton and Bulwer Treaty and satisfactory to the Government of the United States.

Within two or three days after this conversation, I intimated to Lord Clarendon, but in a purely private and unofficial manner, that should he have any important communication to make to me, it was desirable this should be done in time to reach Washington before the 4<sup>th</sup> March; because on that day Congress would adjourn. His Lordship correctly understanding me to refer to the difficulties in Central America, expressed a strong desire to finish our business together; but observed that though small in interest and importance to them, it was large in point of honor. He added that the adoption of Captain Hollins' proceedings<sup>5</sup> and the manner in which the Greytown affair had been vindicated in the President's Message had complicated the matter very much; but, that this, however, did not abate his desire and intention to settle the question *somehow* amicably. I replied that there was nothing in the President's Message in regard to the Greytown affair which could give, or was intended to give, just cause of offence to the British Government.

I do not believe that at this time Lord Clarendon had been informed of my conversation with Lord Aberdeen on the 28<sup>th</sup> December, and I did not allude to it myself, deeming it better that this information should first proceed from the Premier to the Secretary for Foreign Affairs rather than from myself; and this, more especially on an informal occasion.

Having waited until the 17<sup>th</sup> January last, without hearing from Lord Clarendon, and presuming that ere this Lord Aberdeen must have conversed

<sup>1</sup> Despatches, Great Britain, vol. 67. Received April 28.

<sup>2</sup> No. 65, above, this part, doc. 3037.

<sup>3</sup> Above, this part, doc. 3034, December 30, 1854.

<sup>4</sup> Above, this part, doc. 3018.

<sup>5</sup> See above, this volume, pt. 1, p. 108, note 2, in regard to the bombardment of Greytown, or San Juan, by Captain Hollins and his men.

with him on the subject, I then stated to him at an official interview, as I informed you in my Despatch No. 57,<sup>1</sup> the opinions which had been expressed to me by Lord Aberdeen on the Central American questions. His Lordship intimated, in answer, that Lord Aberdeen might not, or could not, have considered the peculiar position of the question in respect to Ruatan; and I told him that he had specially referred to this very question, and repeated what he had said upon the subject. Although it was evident Lord Clarendon did not coincide in the opinion of Lord Aberdeen respecting Ruatan, yet he expressed a strong desire to settle the questions, and an entire willingness to yield to the judgment of the Premier. He added that he would converse with Lord Aberdeen upon the subject without delay, and immediately thereafter communicate to me the result.

I waited for some days without receiving any communication from Lord Clarendon; but did not deem this remarkable; because Mr. Roebuck, on Tuesday, the 23<sup>d</sup> January, the day on which Parliament met after its adjournment for the Christmas Holidays, had given the notice of the motion under which the Aberdeen Ministry fell; and Lord John Russell, on the same day, had resigned his office as President of the Council.

From this time until the final formation of Lord Palmerston's administration all public business was suspended, except that which was absolutely necessary.

On Friday, January 26, Mr. Roebuck brought forward his motion in the House of Commons, and the debate upon it commenced.

On Sunday 28<sup>th</sup> January, I called upon Lord Aberdeen merely to pay him a visit of respect and courtesy. The fate of his Ministry was to be decided the next day in the House of Commons and the result was then considered doubtful. He was perfectly calm and tranquil. At such a time, and on such an occasion, I had not the least intention of introducing any topic of business. He himself, however, evidently adverting to our previous conversation, though not in express terms, observed I must wait patiently, there would be necessary delays in adjusting the matters in dispute between the two countries; but at last, they would all be satisfactorily settled. He added, I might rest assured, whatever might be his fate, there would never be another Prime Minister of England entertaining unfriendly views towards the United States.

Of course, I expressed great satisfaction with what His Lordship had said.

From all this I inferred that, Lords Aberdeen and Clarendon had conversed on the Central American questions, and was inclined to augur favorably of the result, in case the Aberdeen administration should be sustained by the House of Commons.

The next day, Monday January 29, Mr. Roebuck's resolution prevailed by a vote of 305 to 148, and Lord Aberdeen resigned his office.

<sup>1</sup> Above, this part, January 19, 1855, doc. 3036.

After an interregnum of ten days, and after the Earl of Derby & Lord John Russell had successively failed in attempts to form a Ministry, Lord Palmerston succeeded in accomplishing the object; and on Thursday, 9 February, 1855, the list of the new Ministers was announced in the Public Journals.

From Lord Palmerston's antecedents I had nothing to hope; and, therefore, awaiting the course of events, I had not deemed it advisable again to call Lord Clarendon's attention to the Central American questions, until our conference on Thursday last.

After our conversation on that occasion, in direct reference to the Greytown affair, had ended; I then again adverted to the subject and said that, difficulties of this nature would never cease in Central America—the good understanding between the two Governments would be constantly endangered, and peace and harmony could never be restored among the Central American States themselves, until the questions relating to them should be finally settled between the two Governments. He said there seemed to be an insuperable difficulty in the way, in the opposite constructions placed by the two Governments on the Treaty. Whilst they, on their part, were firmly convinced it meant one thing; we, on our part, were equally convinced it meant another thing. They believed it to be wholly prospective in its character and that it did not interfere with any of their existing possessions in Central America, and they could not consent to surrender Ruatan. I observed that Lord Aberdeen entertained different opinions; and if he had remained in power for some time longer, I believed that these questions would have been satisfactorily adjusted. He told me he thought I was mistaken in regard to Lord Aberdeen's opinions respecting Ruatan. I told him I could not be mistaken in respect to them. I had written them down, with great care, immediately after the conversation took place, and but two days thereafter, had reported them to my Government. His Lordship had distinctly stated that their claim to the Bay Islands rested entirely upon the question, whether they could be considered as legitimate dependencies of British Honduras, and finally declared he thought it would be difficult for them to maintain that these Islands were such dependencies, at the same time giving his reasons for this opinion. In addition, on the very day before the vote in the House of Commons on Mr. Roebuck's resolution, Lord Aberdeen, in evident reference to our previous conversation, and without the most remote allusion on my part to the subject, had stated to me there would be necessary delays in adjusting these matters; but he had no doubt they would all at last be satisfactorily settled. I further stated that he, (Lord Clarendon) also, differed from Lord John Russell in the construction of the Treaty, and took from my pocket an extract from the Despatch of Lord John to Mr. Crampton, dated 19<sup>th</sup> January 1853,<sup>1</sup> and read it to him as follows:—

<sup>1</sup> See this document under the date of February 3, 1853, above, this part, doc. 2993.

While Greytown was virtually a possession, and Mosquito a dependency of Great Britain, it was not unnatural that the United States should have looked upon such a state of things with jealousy and aversion, and should have thrown their weight into the scale of Nicaragua which contested with Great Britain the right both to Greytown and Mosquito. But those circumstances exist no longer. The Treaty of April, 1850, has entirely changed the future,—[After reading these last words, his Lordship interrupted me and said emphatically, "Yes, the future; but did not change the existing position of Great Britain"]—if not the present position of Great Britain with respect to Greytown and Mosquito, and indeed to the whole of Central America; and the great question now to be solved is how to turn the Mosquito Country to the best account, not merely for the benefit of Great Britain or of the United States but for the benefit of the whole world.

When I had concluded the extract, I asked His Lordship, if it was his construction that the Treaty had produced no change whatever in regard to their possessions in Central America. He declared that such was his construction of the Treaty. Not even, said I, in regard to the Mosquito Protectorate? Yes, said he, such is our construction of it in regard to the Mosquito Protectorate—the Treaty refers entirely to the future. I informed him emphatically, I was greatly surprised to hear this from his Lordship. After a moment's pause, during which I thought he appeared to be considerably embarrassed, I changed the subject and called his attention to the case of James Welsh, referred to in your Despatch No. 80.<sup>1</sup>

From this conversation but faint hope can be entertained of the adjustment of the Central American questions during the administration of Lord Palmerston, in a manner which ought to be satisfactory to the Government of the United States. Indeed, it may be said with truth, that his Lordship, as Minister for Foreign Affairs, was the author of the modern Mosquito Protectorate, and he held the same office in 1848, when Great Britain expelled the Republic of Nicaragua from San Juan de Nicaragua and took possession of it in the name of the Mosquito King.

Lord Palmerston was, also, the Minister for Foreign Affairs, in 1841, when the British forces under Col: M<sup>o</sup>Donald seized the Island of Ruatan from the Republic of Honduras and subjected it to British dominion.

I might refer to other acts and declarations of his Lordship at different periods indicating his aggressive policy in regard to Central America, but this would be wholly unnecessary. Suffice it to say that, from his antecedents and his well known character, we can have but little reason to expect that he will ever carry into execution the Clayton and Bulwer Treaty according to what we firmly believe to be its true construction.

It is yet too early to speculate upon the probable duration of Lord Palmerston's administration. I think I may truly say he has thus far disappointed public expectation; and by filling the offices with a larger proportion of the

<sup>1</sup> Not pertinent to this publication.

aristocratic or governing class than any of his predecessors, has given offence to the Liberals. A union between the two extremes,—between the conservative and liberal members of the House of Commons, would, any day, place him in a minority. But what then? How could a Ministry be formed out of such heterogeneous materials? This is Lord Palmerston's present and probably his only security.

Yours very respectfully.

P. S. I sent to Lord Clarendon to-day, a copy of Mr. Wheeler's Despatch with the paragraph omitted beginning with the words,—“Since I have no other protection” &c., &c., together with copies of the accompanying documents.<sup>1</sup>

## 3039

*Proposal submitted by John F. Crampton, British Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

WASHINGTON, April 25, 1855.

It is proposed to constitute Greytown, or San Juan del Norte, as a free port with an independent flag, and a certain extent of territory; and that the independence of Greytown so constituted, should be recognised by Great Britain, the United States, Nicaragua and Costa Rica; while a moderate quit rent, or such other equivalent consideration as may be agreed upon, should be paid by the Government of Greytown to the Mosquito nation for the definitive extinction of the title of those Indians to the lands embraced within the limits of the new State—

The present destitute condition of the inhabitants of Greytown; the state of anarchy which prevails there; the probability that acts of lawless violence will be continually recurring so long as that state is protracted; the consideration that those evils would not be completely cured by the return of Greytown to its previous anomalous position of a “de facto” government subject to the conflicting claims of Nicaragua Costa Rica and the Mosquito Indians; the advantages to the commerce of those States as well as to that of Greytown itself; the convenience to the Transit Route Company and to the numerous passengers passing across the Isthmus to and from California, which would result from the establishment of a regular Government at so important a point; all these considerations seem to point to the adoption of some arrangement of the sort above proposed as more than ever desirable.

<sup>1</sup> See the extract from Wheeler's despatch No. 7, February 19, 1855, above, vol. iv, doc. 1285; and regarding the enclosures with it, see above, this part, p. 599, note 4.

<sup>2</sup> Notes from Great Britain, vol. 32.

The following memorandum, evidently made in the Department, appeared on the back of this unsigned note: “Verbal note handed in by Mr. Crampton about 25<sup>th</sup> Apr./55. Proposition for the constitution of Greytown or San Juan del Norte into a free port, &c.”

In the manuscript volume this proposition was followed by a brief résumé of its contents, written in a different hand. It is not included in this publication.



3040

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 78

LONDON, June 29, 1855.

I am much pleased with your reply to Mr. Crampton's verbal note<sup>a</sup> proposing to constitute an independent Government at Greytown. I confess, however, I should have been more pleased with it, had you referred, as you perhaps might have done not inappropriately, to their obligations under the Clayton and Bulwer Treaty. I doubt not that any English administration, except perhaps the present, would cheerfully accede to the just and proper terms of arrangement respecting Greytown proposed by yourself, provided there was a silent acquiescence in their dominion over Ruatan, to which I know you would never consent. This Island is one of those commanding positions in the world which Great Britain has been ever ready to seize and appropriate. It enables her to control our commerce in the Caribbean Sea and on its transit to California and Oregon. She now possesses it in violation of a solemn Treaty with the United States; and we can never voluntarily yield to her dominion over it, without a loss of character before the world and something like national disgrace. Deeply impressed as I am with the vast importance to both, of preserving friendly relations between the two countries, and willing as I should be to make sacrifices on questions of mere policy to accomplish this object, yet we are too young and too proud a people to surrender any point of national honor. Perhaps I may feel too strongly upon this subject arising out of my past connection with it, now however, at an end.

There begins to be an uneasy feeling, especially in quarters having the deepest interest in trade with the United States, that all is not well in the relations between the two countries. Several members of the House of Commons have asked me for information in regard to the Central American questions; and but a few days ago a distinguished and influential member proposed to call upon the Government for the production of the papers, if this would meet my approbation; but I did not feel myself at liberty to give him any encouragement to make the call. I told him this was a question for himself to decide on his own responsibility. He then asked what the President had said about these questions in his last Message: and I shewed him the paragraph. He said he thought, upon the strength of this para-

<sup>1</sup> Despatches, Great Britain, vol. 67. Received July 12.

The omitted portions at the beginning and end of this despatch relate to enlistments for the British army, made by British agents in the United States, and to other matters not pertinent to this publication.

<sup>a</sup> For British Minister Crampton's note, April 25, 1855, see above, this part, doc. 3039, and for Secretary Marcy's reply, May 9, 1855, see above, this volume, pt. 1, doc. 2753.

graph, he would, without asking for the papers, propound a question to Lord Palmerston as to the present state of the relations between the two countries. I replied;—this was, also, a question he must decide entirely for himself,—I could neither encourage nor discourage him. It is a week since I held this conversation and I have since heard nothing more of the matter.

## 3041

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 82

LONDON, July 27, 1855.

I have had two interviews with "Mr. Juan B. Alberdi, Chargé d'Affaires of the Argentine Confederation" to this Court, and have communicated to him the substance of your Despatch No. 93.<sup>2</sup> It was agreed between us, that when he thought the proper time had arrived, he would give me notice and I should then call upon Lord Clarendon and inform him of the views of the President and the course which he intends to pursue in relation to the Argentine Confederation and the Republic of Buenos Ayres. Our last interview took place on Wednesday the 18<sup>th</sup> Instant, and since that time I have not seen him.

I have not yet been able to obtain the list of claims for return duties on woollens, to which you refer in your Despatch No. 100; but I hope to do so in time to forward it to you by the steamer of August 4<sup>th</sup>.

Yours very respectfully.

## 3042

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 86

LONDON, August 24, 1855.

SIR: I have had the honor to receive, on Monday last, your Despatch No. 104, of the 6<sup>th</sup> Instant.<sup>4</sup> In this, I am instructed to bring the Central Amer-

<sup>1</sup> Despatches, Great Britain, vol. 67. Received August 9.

The omitted portion at the beginning of this despatch relates to consular affairs and other matters not pertinent to this publication.

<sup>2</sup> Above, this volume, pt. 1, June 16, 1855, doc. 2755.

<sup>3</sup> Despatches, Great Britain, vol. 67. Received September 7.

In the omitted portion at the end of this despatch, Buchanan states that his departure for the United States had been delayed because the British Secretary of State for Foreign Affairs was in France, and consequently a final and explicit answer from the British Government on Central American questions was necessarily deferred until his return.

<sup>4</sup> Above, this volume, pt. 1, doc. 2756.

ican questions which have arisen under the Treaty of the 19<sup>th</sup> April, 1850, to an issue with the British Government and to obtain an explicit declaration of the positions Great Britain is determined to maintain relative to these questions. This duty I shall cheerfully perform, according to my best ability; without, however, entertaining much hope that Lord Palmerston's administration will recede from the position which they have already so clearly indicated. Still, the gravity and responsibility of a final answer in the negative, to our just demands under this Treaty may, possibly, cause them to reconsider and to change their avowed opinions in regard to its true construction. I should entertain better hopes of such a result, were it possible, at the present moment, to enlighten the British people on the nature of these questions; and thus, probably, to bring public opinion to bear in our favor upon the Ministry. This cannot now be done until after the next annual message of the President to Congress; and it may be then too late.

## 3043

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 87

LONDON, August 31, 1855.

SIR: I have the honor to transmit to you the copy of a note of yesterday's date, which I have sent to Lord Clarendon,<sup>2</sup> proposing on the part of the United States, to conclude a convention with Great Britain on the subject of neutral rights, in compliance with your instructions (No. 52) of the 7<sup>th</sup> August, 1854.<sup>3</sup>

I should have delayed this some time longer; but the important issue which will most probably be made between the two Governments on the Central American questions, in obedience to your instructions No. 104, of the 6<sup>th</sup> August,<sup>4</sup> might have precluded me altogether from proposing to the British Government to conclude a treaty on this or any other subject. After the conversation with Lord Clarendon reported in my Despatch (No. 66), of the 7<sup>th</sup> April,<sup>4</sup> but little hope can be entertained that Lord Palmerston's administration will recede from the position which the former so distinctly took upon that occasion.

Yours very respectfully.

<sup>1</sup> Despatches, Great Britain, vol. 67. Received September 14.

<sup>2</sup> Not included in this publication.

<sup>3</sup> Above, this volume, pt. 1, doc. 2756.

<sup>4</sup> Above, this part, doc. 3038.

3044

*John F. Crampton, British Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, September 1, 1855.

SIR: I have been instructed by Her Majesty's Government to communicate to you two Despatches, copies of which I have the honour to inclose, which have been received by the Earl of Clarendon from Her Majesty's Consul at Greytown dated the 16<sup>th</sup> & 18<sup>th</sup> of July respectively,<sup>2</sup> in which it is

<sup>1</sup> Notes from Great Britain, vol. 32. Received September 7.

<sup>2</sup> They follow chronologically:

*James Green, British Consul at Greytown, to Lord Clarendon, British Secretary of State for Foreign Affairs*

No. 5

GREYTOWN, July 16, 1855.

My L<sup>d</sup>: I consider it my duty to inform Y<sup>r</sup> L<sup>p</sup> that by the Am<sup>a</sup> Transit Co<sup>s</sup> Steamer which arrived here yesterday from N. York, came a party of 60 soldiers & 6 officers who have landed at Punta Arenas on the opposite side of the Harbour.—On their arrival, I proceeded on board the Vessel in Company with Commander Dobbie of H. M. S. "Buzzard" to inquire their purpose.—They profess to have come out to protect the property of the Transit Company & intend proceeding to the Interior of Nicaragua; I presume either to take part with the Nicaraguan Gov<sup>t</sup> party ag<sup>t</sup> the Revolutionists, or to prevent the entrance of Col. Kinney into the Country.—They state that they are in the pay of Nicaragua, which I understand is to be satisfied for in land.— They came here openly, wearing uniforms, & 60 more are expected out by the next Steamer.—

*James Green, British Consul at Greytown, to Lord Clarendon, British Secretary of State for Foreign Affairs*

No. 6.

GREYTOWN, July 18, 1855.

My L<sup>d</sup>: Since writing my Desp<sup>t</sup> N<sup>o</sup> 5 [Above, in this footnote.—Ed.], I have the honor to inform Y<sup>r</sup> L<sup>p</sup> of the arrival at this place of Co<sup>l</sup> Kinney with some 20 followers.—

From the many reports circulated in the American Newspapers, regarding the intentions of this expedition as touching this place & the Mosquito Coast, I considered it well to have from Co<sup>l</sup> Kinney a personal explanation on this point, & having had, in company with Comm<sup>r</sup> Dobbie of H. M. S. "Buzzard," an interview with Co<sup>l</sup> Kinney—elicited the following explanation of his past proceedings & his future intentions.—

Regarding the former he states that he was called upon by some Members of a Company called the Central Am<sup>a</sup> Mining or land & Colonisation Co<sup>y</sup>, holding titles, which were produced to him, to large tracts [tracts] of land on the Mosquito Coast given by Cap<sup>t</sup> Shepperd, & was requested by them to be their Agent & to take entire control & management of their affairs here, & that some of the principal members of the Accessory Transit Comp<sup>y</sup> were interested in this matter—that under the impression the titles were good, he undertook the management & proceeded to form a military organization for the purpose of carrying out these views.— That Stock of the Company was issued, & that he still held some of the Scrip which he expresses himself ready to return to the proper owners sh<sup>d</sup> the titles be invalid.—

It appears that sometime after accept<sup>g</sup> the management of the affairs of the Co<sup>y</sup>, a difficulty occurred between him & them, the nature of which he did not explain, but the result of which was his complete separation from them, & about the same time the bitterest enmity of opposition to him from the Transit Co<sup>y</sup>, to whom he attributes all the reports as to the aggressive nature & military organiz<sup>n</sup> of his present Expedition—and which he himself energetically denies.—He also states that the Company with which he was connected still exists, but in the hands of the transit Comp<sup>y</sup>.—

His present views he describes to be as follows:— Some time after his separation from the colonization Comp<sup>y</sup>, M<sup>r</sup> Fabens formerly U. S. Comm<sup>r</sup> Agent at this Place, presented to him some documents executed before the American Min<sup>tr</sup> & various authorities of the

stated that a party of sixty American soldiers & six officers arrived in one of the Transit Route Company's Vessels at Punta d'Arenas from New York on the 15 of that month with the professed object of protecting the property of the Company, & in which Her Majesty's Consul reports a conversation which he held with Colonel Kinney on his arrival at Greytown respecting the object of his Expedition, & the Mission of the above mentioned body of soldiers.—

I am further instructed to request of you, Sir, to communicate to me any information which may have reached you and which you may be willing to give in regard to the strange proceedings reported by M<sup>r</sup> Green.—

I avail myself [etc.].

3045

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 88

LONDON, September 4, 1855.

SIR: On Friday last, after having received a very long communication from Mr. Alberdi, I called upon Lord Clarendon at the Foreign Office, for

State of Nicaragua, the purport of which he states to be a grant or cession of a large tract of land on a part of the Banks of Lake Nicaragua, known by the name of Chantales,—& made by one Fermin Fares, a native of Nicaragua, to M<sup>r</sup> Fabens, the operations connected with which he, Fermin Fares, remains interested in.—This district includes valuable agricultural lands, as also gold & silver mines &c., that he was offered an interest in,—& the management of—this speculation by M<sup>r</sup> Fabens, which he accepted & that he now had come to take peaceable possession of what he considered legally acquired—that he has no intentions of an aggressive nature ag<sup>t</sup> any part of Mosquito or of Central Am<sup>a</sup> or of forming any independent Gov<sup>t</sup>, but sh<sup>d</sup> only defend his right if interfered with.—He says that the Gov<sup>t</sup> of the U. S. are not opposed to him, some of the Members of that Gov<sup>t</sup> being interested in the enterprise; his only opponents the Accessory & Transit Co.—The cause of the feeling of the Transit Co: towards him he states to be as follows—It appears that some of the American residents of Greytown applied to him to lay their claims for losses here before Congress, & having become convinced that it was thro' the instrumentality of the transit Company that this place was destroyed, he did not hesitate to publish his convictions, & by this means as well as by the fact of agitating the matter & bringing about exposures, he had incurred their hatred.—He further states that he was earnestly requested by several members of the U. S. Gov<sup>t</sup>, including the President, to desist from his intention, as the bringing the Greytown matter before Congress at that time w<sup>d</sup> have a very bad effect, & that he had been persuaded not to press the matter.—

With reference to my Despatch N<sup>o</sup> 5 dated July 16<sup>th</sup>, I had been informed by Co<sup>l</sup> Kinney that he is convinced that the Troops mentioned there were recruited thro' the influence of the transit Com<sup>y</sup> & M<sup>r</sup> Marcoleta Min<sup>r</sup> for Nicaragua to the U. S. Gov<sup>t</sup>, without the knowledge of that Gov<sup>t</sup>—that they left America as private passengers on board the transit Compy Steamer, & did not appear in uniform until two days after their departure from N. York, & that they have been sent out to oppose him.—They were met here by an Agent of the Nicaraguan Gov<sup>t</sup>, with whom they proceeded up the River on the 17<sup>th</sup> Inst, in order to be enrolled as Nicaraguan troops on Nicaraguan Territory—the Agent of that Gov<sup>t</sup> refusing to do so in this place.

<sup>1</sup> Despatches, Great Britain, vol. 67. Received September 21.

The omitted portion at the end of this despatch relates chiefly to an extradition treaty.

the purpose of "explaining to the British Government, the course which the President has determined to pursue towards Buenos Ayres and the Argentine Republic; and to ascertain what that of Great Britain now is or is likely to be." I took with me your Despatch No. 93, of the 16<sup>th</sup> June last,<sup>1</sup> and read it over carefully to him, deeming this the most satisfactory method of communicating to him the President's intentions. When I had finished the reading, he said he concurred in every word the Despatch contained and was gratified that the President had determined upon a course in accordance with that which the British Government had already adopted. They had paid no attention to the protest of Buenos Ayres against the treaty with the Argentine Confederation, and he had simply acknowledged its receipt. They had accredited no Minister to Buenos Ayres and had merely a Vice Consul at that port. They had, on the other hand, accredited a Minister (Captain Gore) to the Argentine Confederation who had been received with great distinction at Rosario. Since his death another Chargé and Consul General had been appointed to that Republic (William Dougal Christie, Esquire) recently Secretary of Legation in Switzerland. He was yet in England on leave, but would soon depart for his post.

He said he had endeavored to persuade France to pursue the same course, urging that the purpose of Buenos Ayres in standing out against the other thirteen States of the Confederation was to defeat the commercial objects of the treaties with France and England; but in this he had proved unsuccessful. The French Minister stated that there were so many Frenchmen in Buenos Ayres who had deep interests at stake, that the Government felt itself obliged to appoint a Minister to that State. Accordingly they had accredited the same Minister to both Governments. And what, said his Lordship, has been the consequence? The French Chargé has been coldly received both at Buenos Ayres and Rosario, as ought to have been anticipated from sending the same Minister to two hostile countries. He was scarcely treated with decent respect upon his arrival at Rosario from Buenos Ayres. His Lordship expressed the hope that you had sent the same instructions to our Minister at Paris which I had received.<sup>2</sup> I stated this was highly probable, but I did not know.

He then asked if the President had determined to withdraw the Minister from Buenos Ayres. I told him that the best answer I could give to this question was again to read to him that portion of your despatch relating to this subject; which I accordingly did.

He said that Mr. Alberdi appeared to be a very gentlemanly man; but was a most voluminous writer, to both of which propositions I assented.

<sup>1</sup> Above, this volume, pt. I, doc. 2755.

<sup>2</sup> No instruction on this subject to Minister Mason at Paris was found.

3046

*James Buchanan, United States Minister to Great Britain, to Lord Clarendon, British Secretary of State for Foreign Affairs*<sup>1</sup>

LONDON, September 11, 1855.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, has been instructed by the President again to call the attention of the Earl of Clarendon, Her Majesty's Principal Secretary of State for Foreign Affairs, to the Central American questions pending between the two Governments, under the convention of the 19<sup>th</sup> April 1850.

The President has directed the Undersigned, before retiring from his Mission, to request from the British Government a statement of the positions which it has determined to maintain in regard to the Bay Islands;—to the territory between the Sibun and the Sarstoon, as well as the Belize settlement,—and to the Mosquito Protectorate. The long delay in asking for this information has proceeded from the President's reluctance to manifest any impatience on this important subject whilst the attention of Her Majesty's Government was engrossed by the war with Russia. But as more than a year has already elapsed since the termination of the discussion on these questions, and as the first Session of a new Congress is rapidly approaching, the President does not feel that he would be justified in any longer delay.

Whilst it is far from the purpose of the Undersigned to re-open the general discussion, he has been instructed to communicate to the Earl of Clarendon the conclusions at which the President has arrived upon the whole case.

After having carefully reviewed and reconsidered all the questions involved, with the light cast upon them by the Earl of Clarendon's statement of the 2<sup>d</sup> May, 1854,<sup>2</sup> the President has expressed his unwillingness to believe that the positions which he conceives to be rather indicated therein than finally adopted, will be adhered to by the British Government.

It was, in his opinion, the manifest intention of the convention to exclude both the contracting parties from holding or occupying, as well as from acquiring territorial possessions in Central America: and that this intention is not clothed in ambiguous language, but is set forth in explicit terms. The United States have bound themselves not to acquire any such possessions, and Great Britain has stipulated not to "assume or exercise any dominion over any part of Central America." Indeed, without such a reciprocal engagement, no mutuality whatever would have existed between the covenants of the contracting parties. Whilst the United States are excluded from occupying, colonising or exercising dominion over any part of Central America, it cannot be admitted that the same restriction, imposed in the very same language, is not equally applicable to Great Britain.

<sup>1</sup> Despatches, Great Britain, vol. 67; enclosure with Buchanan's No. 89, September 11, 1855, below, this part, doc. 3047.

<sup>2</sup> Above, this part, doc. 3018.

The President, therefore, confidently believes that Great Britain is bound by the first article of the convention of 1850, to withdraw from the possession she now holds of Ruatan and the other Central American Islands on the coast of the State of Honduras:—as well as from the territory in Central America between the Sibun and the Sarston which has been encroached upon by Her Majesty's subjects. He is, also, of opinion that the possession of the British Government at the Belize should be restricted to the limits and objects specified in the treaties between Great Britain and Spain of 1783 and 1786.

In regard to the alleged Protectorate over the so-called Mosquito Kingdom: the President has instructed the Undersigned to say, it was his confident belief that this Protectorate had been finally disposed of by the convention. It is, therefore, much to his regret that he finds it is still continued as the basis of British dominion over an extensive region in Central America.

Even although Great Britain admits that the convention has imposed restrictions on the Protectorate claimed, yet she still continues to exercise the same dominion over the Mosquito Coast which she had done before its date. Indeed, at the present moment, no visible power, civil or military, exists in the Mosquito territory, except that which is exercised by British subjects, notwithstanding the convention expressly prohibits both parties from using any protection which either may afford to any State or people, for the purpose of occupying, fortifying or colonising the Mosquito Coast or any part of Central America, or for the purpose of assuming or exercising dominion over the same.

The declaration of the British Government, that this Protectorate is only employed for the security of the rights of the Mosquito Indians, and that it is ready to abstain from further interference in that country, whenever these rights can, in a proper manner, be guaranteed to them, cannot be recognised by the United States as having any foundation in the convention. The President considers this to be a question between Nicaragua and the Indians within its territory, with which neither Great Britain nor the United States has any right to interfere, except in friendly conference with the authorities of that State.

Having thus distinctly presented to the British Government the views of the Government of the United States in regard to the obligations imposed by the convention of 1850, the President feels assured that the Earl of Clarendon will, with characteristic frankness, be equally explicit in presenting the views of the British Government in regard to these obligations.

In conclusion, the Undersigned is instructed to state that the President does not doubt that the interest of the two countries and their mutual desire to maintain existing friendly relations, will alike inspire each party with a conciliatory spirit and enable them to overcome all obstacles to a satisfactory adjustment of the Central American questions.

The Undersigned has the honor [etc.].



3047

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 89

LONDON, September 11, 1855.

SIR: I have the honor of transmitting to you the copy of a note which I this day addressed to Lord Clarendon<sup>2</sup> on the Central American questions in obedience to your instructions of the 6<sup>th</sup> ultimo, (No. 104.)<sup>3</sup> I shall, of course, be anxious to learn whether it has received the President's approbation. It has been prepared with much care; my purpose having been to employ conciliatory language so far as this might be done consistently with the President's instructions and the attainment of the objects which he had in view.

Yours very respectfully.

3048

*John F. Crampton, British Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>4</sup>

WASHINGTON, September 15, 1855.

SIR: The frequent occurrence of acts of injury and injustice to British Subjects by the Governments of some of the States of South and Central America, for which no redress has been obtained, as well as the reports of Her Majesty's Diplomatic Agents, have called the attention of Her Majesty's Government to the fact that the Governments of those States are seeking to establish as a general principle that the Diplomatic Agents of Foreign Powers accredited to such States are not entitled to interpose for the protection of the subjects or citizens of the country which they represent against wrongs inflicted upon them by the Governments of the country in which they reside.

Her Majesty's Government, in consequence of the representations which have been made to them, have thought it their duty to address an instruction upon this subject to Her Majesty's Representatives in the States in question expressing their dissent from this extraordinary principle.

Her Majesty's Government, conceiving that it is not improbable that citizens of the United States may occasionally have similar cause with British Subjects to complain of unjust and arbitrary treatment at the Hands of the Governments to which I allude, and believing that the Government of the United States would concur with them in resisting the establishment of such a principle, on which it seems those Governments are endeavouring to elude the wellfounded representations of Foreign States, I have been directed by

<sup>1</sup> Despatches, Great Britain, vol. 67. Received October 1.

<sup>2</sup> Above, this part, doc. 3046.

<sup>3</sup> Above, this volume, pt. 1, doc. 2756.

<sup>4</sup> Notes from Great Britain, vol. 32. The receipt date was not indicated.

the Earl of Clarendon to communicate to you, Sir, a Copy of the Instruction above mentioned (which I have accordingly the honor to inclose herewith) <sup>1</sup> and to inquire whether it is the intention of the United States Government to take any steps in this matter.

I avail myself [etc.].

3049

*Lord Clarendon, British Secretary of State for Foreign Affairs, to James Buchanan, United States Minister to Great Britain* <sup>2</sup>

LONDON, September 28, 1855.

The Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the note which Mr. Buchanan, Envoy Extraordinary and Minister Plenipotentiary of the United States, addressed to him on the 11<sup>th</sup> Instant <sup>3</sup> stating that he had been directed by the President, before retiring from his Mission, to request from the British Government a statement of the positions which it has determined to maintain in regard to the Bay Islands, to the territory between the Sibun and the Sarstoon, as well as the Belize settlement, and to the Mosquito Protectorate, and setting forth the conclusions at which the President has arrived upon the whole case; namely that it was the intention of the convention of the 19<sup>th</sup> of April 1850 to exclude both the contracting Parties from holding or occupying, as well as from acquiring territorial possessions in Central America, and that consequently Great Britain is bound to withdraw from the possession she now holds of Ruatan and other Central American Islands on the Coast of the State of Honduras, as well as from the territory in Central America between the Sibun and the Sarstoon; that the possession of the British Government at Belize should be restricted to the limits and objects specified in the Treaties between Great Britain and Spain of 1783 and 1786; and that the Protectorate of the so called Mosquito Kingdom was finally disposed of by the Convention.

The Undersigned observes with satisfaction that, while thus expressing the opinion of the President of the United States on the several points thus enumerated, Mr. Buchanan announces that it is far from his purpose to reopen the general discussion upon them. Her Majesty's Government had indeed refrained from pursuing that discussion by replying to Mr. Buchanan's Note of the 22<sup>nd</sup> of July 1854, <sup>4</sup> because it appeared to them that the continuation of the correspondence was not likely to lead to any satisfactory conclusion; as Her Majesty's Government are still of that opinion the Undersigned will confine his answer to Mr. Buchanan's present note

<sup>1</sup> Not included in this publication.

<sup>2</sup> Despatches, Great Britain, vol. 68; enclosure with Buchanan to the Secretary of State, No. 95, October 4, 1855, below, this part, doc. 3051.

<sup>3</sup> Above, this part, doc. 3046.

<sup>4</sup> *Ibid.*, doc. 3022.

within the same limits as those which Mr. Buchanan has prescribed to himself.

In answer, therefore, to the questions put by Mr. Buchanan the Undersigned has the honor to state to him that Her Majesty's Government adhere to the opinion which they have uniformly held that the convention of April 19, 1850, was merely prospective in its operation, and did not in any way interfere with the state of things existing at the time of its conclusion. If it had been intended to do so, there can be no question but that in conformity with what the Undersigned believes to be the universal rule in regard to instruments of this nature, it would have contained in specific terms a renunciation on the part of Great Britain of the possessions and rights which, up to the conclusion of the Convention she had claimed to maintain, and such renunciation would not have been left as a mere matter of inference.

Neither can Her Majesty's Government subscribe to the position, that, if the convention did not bear the meaning attached to it by the United States, it would have imposed upon the Government of the United States a self denying obligation which was not equally contracted by Great Britain, and that such a state of things could not have been in the intention of the Contracting Parties; because if the convention did bear the meaning attached to it by the United States, it would then have imposed upon Great Britain the obligation to renounce possessions and rights without any equivalent renunciation on the part of the United States. If the Government of the United States can complain in the one case of the convention as presenting an unilateral character unfavorable to the United States, with much greater reason might the Government of Great Britain, in the other case, if the assumption of the United States were to be acted upon in the construction of the convention, complain of it as prejudicial to England.

But, looking to the object which the Contracting Parties had in view at the conclusion of the convention, namely the security of the proposed ship canal, the British Government consider that the design of the Contracting Parties was not to disturb any state of things then existing, but to guard against the future creation of a state of things, which might by possibility interfere with the security of the proposed canal. That such was the true design of the convention is obvious from the provision in the sixth article by which the Contracting Parties engaged to invite every State to enter into stipulations with them similar to those contained in the convention. But if the position of the United States Government were sound, and the convention was intended to interfere with the state of things existing at the time of its conclusion and to impose upon Great Britain to withdraw from portions of territory occupied by it, a similar obligation would be contracted by other states acceding to the convention, and the Governments of the Central American States would by the mere act of accession sign away their rights to the Territories in which they are situated.

The British Government share the conviction of the President of the United States that the interest of the two countries and their mutual desire to maintain existing friendly relations will alike inspire each party with a conciliatory spirit and enable them to overcome all obstacles to a satisfactory adjustment of Central American questions. The British Government see no reason why it should be otherwise. The British Government neither have the wish to extend the limits of their possessions or the sphere of their influence in that quarter, nor would any British interest be promoted by doing so; but the British Government are not prepared to contract either the one or the other in pursuance of the interpretation of a convention to which interpretation they cannot subscribe.

The Undersigned [etc.].

3050

*James Buchanan, United States Minister to Great Britain, to Lord Clarendon, British Secretary of State for Foreign Affairs*<sup>1</sup>

LONDON, October 4, 1855.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, has the honor to acknowledge the receipt of the note of the Earl of Clarendon Her Majesty's Principal Secretary of State for Foreign Affairs, dated on the 28<sup>th</sup> ultimo,<sup>2</sup> in reply to the note of the Undersigned of the 11<sup>th</sup> ultimo,<sup>3</sup> in reference to the Central American questions between the two Governments: and he will not fail to transmit a copy of the same by the next Steamer to the Secretary of State at Washington.

Whilst far from intending to renew the general discussion of these questions, which has already been exhausted, the Undersigned, in passing, would make a single observation in regard to the Earl of Clarendon's remark, that if the convention of the 19<sup>th</sup> April 1850 had intended that Great Britain should withdraw from her possessions in Central America, "it would have contained in specific terms a renunciation" to that effect; "and such renunciation would not have been left as a mere matter of inference."

Now, it appears to the Undersigned that an engagement by a party not "to occupy," "or exercise any dominion" over territory of which that party is in actual possession, at the date of the engagement, is equivalent in all respects to an agreement to withdraw from such territory. Under these circumstances, this is not "a mere matter of inference;" because the one proposition is necessarily & inseparably involved in the other, & they are merely alternative modes of expressing the same idea. In such a case,—to withdraw is not to occupy—and not to occupy is necessarily to withdraw.

<sup>1</sup> Despatches, Great Britain, vol. 68; enclosure with Buchanan to the Secretary of State, No. 95, October 4, 1855, below, this part, doc. 3051.

<sup>2</sup> Above, this part, doc. 3049.

<sup>3</sup> *Ibid.*, doc. 3046.

The Undersigned needs no apology for briefly advertng to another argument of the Earl of Clarendon; because it has now for the first time been advanced. He states, that "if the position of the United States Government were sound, & the convention was intended to interfere with the state of things existing at the time of its conclusion and to impose upon Great Britain to withdraw from portions of territory occupied by it, a similar obligation would be contracted by other States acceding to the convention [under the 6<sup>th</sup> Article] and the Government of the Central American States would by the mere act of accession sign away their rights to the territories in which they are situated."

Confining himself strictly to this single view of the subject, the Undersigned would observe, that notwithstanding the general terms employed by the convention, an examination of its provisions, and especially of the Sixth Article itself, will prove it never intended that the Central American States should become joint parties to this Treaty, with the United States, Great Britain and other Governments exterior to Central America. These States are the subjects on which the guarantees of the convention were to act, and the exclusion of all other Powers from the occupancy of Central America, with a view to the security not only of this canal, but all other canals or railroads across the Isthmus, was one of the main objects to be accomplished by the Treaty.

The Earl of Clarendon has himself indicated how absurd it would be for the Central American Governments to become joint parties to this convention, according to the American construction. It would, however, be none the less absurd according to the British construction; because then, no Central American State could accede to the Treaty without confining itself forever within its existing boundaries and agreeing not to add to its territory and extend its occupation under any possible circumstances which might arise in the future.

Besides, were it possible for Nicaragua, for example, to become a party to this joint convention, she would then take upon herself the extraordinary obligation to use her own influence with herself, under the 4<sup>th</sup> Article, to induce herself to facilitate the construction of the canal and to use her good offices to procure from herself "the establishment of two free ports, one at each end of the canal," both these ports being within her own limits. Consequences almost equally extraordinary would result from other portions of the convention.

But although the contracting parties could not have intended that the Central American States should become joint parties to the convention, yet they foresaw that it would be necessary to obtain stipulations from one or more of them, individually, providing for the security of the proposed canal, adapted to their anomalous condition and without interfering in any manner with their territorial possessions. Accordingly, in the 6<sup>th</sup> Article, and in the

clause next following that commented upon by the Earl of Clarendon, the convention provides as follows:

And the contracting parties likewise agree that each shall enter into Treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all, and of protecting the same, &c, &c.

In order to arrive at the conclusion, that the Central American States are embraced in the general language of the first clause of the 6<sup>th</sup> Article, it would be necessary to overlook this second clause entirely, or at least to regard it as unnecessary & without meaning.

The Undersigned has the honor [etc.].

3051

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 95

LONDON, October 4, 1855.

SIR: I have now the honor of transmitting to you a copy of the note of Lord Clarendon of the 28<sup>th</sup>,<sup>2</sup> received by me on 29<sup>th</sup> ultimo, in answer to my note of the 11<sup>th</sup> ultimo,<sup>3</sup> on the Central American questions; as well as a copy of my reply dated on the 4<sup>th</sup> instant.<sup>4</sup> Lord Clarendon's note is of such a character as might have been anticipated after the conversation between his Lordship and myself on the 5<sup>th</sup> April last, reported in my Despatch (No. 66.) of the 7<sup>th</sup> of that month.<sup>5</sup> This note has been received so much sooner than I had anticipated, that if I were now in possession of my letter of recall, I might return home on the 6<sup>th</sup> of October, as I had originally determined. It is impossible, however, that I should leave before this letter shall arrive, and it is certainly proper,—under all the circumstances,—that I should remain here no longer than may be necessary. If, therefore, it shall not have been forwarded before the arrival of this Despatch, I trust it may be sent by the next succeeding steamer.

<sup>1</sup> Despatches, Great Britain, vol. 68. Received October 19.

The omitted portion at the end of this despatch is not pertinent to this publication.

<sup>2</sup> Above, this part, doc. 3049.

<sup>3</sup> *Ibid.*, doc. 3046.

<sup>4</sup> *Ibid.*, doc. 3050.

<sup>5</sup> *Ibid.*, doc. 3038.

3052

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 99

LONDON, November 2, 1855.

According to the appointment mentioned in my last Despatch,<sup>2</sup> I met Lord Clarendon yesterday afternoon at the Foreign Office. . . .

In the course of the conversation I observed to him that the most serious difficulty between the Governments might arise out of the Central American questions. He said that when two Governments disagreed about the construction of a treaty, the best and most natural mode was to refer the question to a third Power. At an early period of the negotiation, he had made this suggestion; but I had jocularly replied that the Emperor of Russia was the only Power sufficiently independent to act as an impartial umpire in the case, and they had gone to war with him. That we had tried Louis Napoleon on one occasion and he had decided against us. I then asked him to state to what Power, sufficiently free from British influence, we could refer this question, even if such a reference were possible; and he hesitated for a reply. I then said, I know of none unless it might be "King Bomba." He laughed, and the conversation on this point dropped. . . .

There was other conversation; but not of much importance. Besides, I have not time to report it or make the general remarks which I could desire. Suffice it to say, that I believe the storm which has been raised here by the sending of the fleet<sup>3</sup> and by the first article in the Times will be productive of good. The English public, and especially the manufacturing and mercantile classes, have become excited and alarmed and are now eagerly intent upon acquiring a knowledge of the questions in dispute between the two Governments. The dead calm in which the public mind had rested concerning American affairs has been succeeded by a storm; and the symptoms indicate strongly that Lord Palmerston will not be sustained in raising difficulties with the United States. We have been already ably defended in the Press.

Yours very respectfully.

<sup>1</sup> Despatches, Great Britain, vol. 68. The receipt date was not indicated.

In the omitted portion at the beginning and in the other omissions of this despatch Buchanan reports the receipt of several instructions, none of which is pertinent to this publication, and a discussion with the British Secretary of State for Foreign Affairs on violations of the neutrality laws of the United States by British agents.

<sup>2</sup> His No. 98, dated October 30, 1855, is not pertinent to this publication.

<sup>3</sup> A fleet had been sent by the British to their West Indian and North American stations on information received that "a large, fast and powerful steamer" had been built in New York under the direction of a Russian naval officer, and that four others were being built, for the purpose of intercepting British ships conveying gold from Australia.

3053

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 101

LONDON, November 9, 1855.

SIR: I had an interview with Lord Clarendon on yesterday by appointment, and shall now report to you as nearly as I can recollect it, our conversation. After the usual salutations, I said to him:—"Your Lordship, when we last parted, asked me to help you to keep the peace between the two countries, which I cordially promised to do: and I have come here to-day to make a suggestion to you with this intent."<sup>2</sup> . . .

. . . "The President in his Message to Congress early in December, will doubtless present to that Body the present unsatisfactory condition of the Central American questions; and it will require the cool and clear heads of the public men of both countries to prevent serious consequences from these questions. Now, it so happens that the news of the sending of the British fleet<sup>3</sup> will arrive in the United States but a short time before the date of the Message, and will almost necessarily be connected in public opinion with these dangerous questions, thus rendering them more complicated. If you will, at the present moment, and before we can hear from the United States, voluntarily withdraw your fleet upon the principle that the danger from Russian privateers, of which you had been informed, did not, in point of fact exist, and at the same time, do justice to the Government of the United States for having so faithfully preserved its neutrality, this would be to pour oil upon the troubled waters and could not fail to produce the best results. You might address a note either to Mr. Crampton<sup>4</sup> or myself stating that the fleet had been withdrawn; and I am persuaded that this act of justice would have a most happy effect."

His Lordship in reply said in substance; (for I will not undertake to repeat his very words), that he thanked me for my suggestion and would take it into serious consideration; but of course he could do nothing without consulting the Cabinet. Of this, however, he could assure me most positively, as he had done at our former interview, that nothing could be further from their intention than any, even the most remote idea of a menace, in sending out the fleet. Immediately after our conversation on Thursday last, he had

<sup>1</sup> Despatches, Great Britain, vol. 68. Received November 25.

<sup>2</sup> In the omitted portion Buchanan tells the British Secretary of State for Foreign Affairs that the sending of the fleet (see above, this part, p. 620, note 3) was liable to be regarded by the people of the United States as an unfriendly act, in view of the unsettled questions between the two governments, and suggests to him the propriety of withdrawing it, since Federal investigation had proved that the vessel, purported to be a Russian privateer, had been built for Chinese trade and was bound for Shanghai.

<sup>3</sup> See above, p. 620, note 3, and note 2 on this page.

<sup>4</sup> British minister at Washington.



sent to the Admiralty and requested that orders might be issued that the vessels sent out should not go near the coasts of the United States.<sup>1</sup> . . .

I told him I must again express my regret that they had adopted the course of sending out a fleet without giving me, or giving you through Mr. Crampton, any notice of their intention. Had this been done it must have led to explanations which would most certainly have obviated all difficulties. The news of the sending of the fleet, accompanied by the article in the Times, when it reached the United States, would most probably excite much public indignation. We had experienced a blast here; but when the counter blast reached us from the other side of the Atlantic, it would equal, if not surpass, that on this side in intensity. The people of both nations were proud and jealous of their rights, and neither could brook an insult. The statesmen of the two countries ought, therefore, to be peculiarly careful how they acted. Wars often arose from small beginnings. When the news reached the United States it would find the people calm and tranquil in relation to their foreign affairs and wholly unprepared for it. It would burst upon them suddenly and they would doubtless manifest their feelings in strong and defying language. This would return to England and re-act upon the people here, thus further increasing the difficulties, until at last by degrees the two countries might find themselves involved in war, although, with the exception of the Central American questions, there was no question of very serious importance between them. And such a war! It would exasperate the people of the two countries against each other to such a degree that the intervals of peace hereafter would be but little better than mere truces. The despotisms of the continent would be highly gratified by such a war between the two free-est nations of the world, whilst the cause of liberty and civilization would every where suffer. I would not have it on my conscience for any human consideration to be the author of any act which might lead to such consequences. His Lordship, with much enthusiasm of manner, declared he heartily agreed with me in every sentiment I had expressed; and I must know from his frank and free communications with me how anxious he had ever been to preserve the most friendly relations with the United States. He said it was very true that the Despotisms on the continent would be highly gratified with such an unnatural war.<sup>2</sup> . . .

He<sup>3</sup> then said,—About these Central American questions,—the best mode of settling them is by Arbitration. I replied there was nothing to arbitrate. He said the true construction of the treaty was a proper subject for arbitration. I told him I did not consider it a question for construction at all,—

<sup>1</sup> In the omitted portion Buchanan continues a report of Lord Clarendon's side of the conversation with him, in which the latter repeats, in more detail, the information which the British believed to be authentic, regarding a Russian privateer built in New York, and also cites other unfriendly acts of the United States towards Great Britain.

<sup>2</sup> The omitted portion relates to the extradition of criminals and other matters not pertinent to this publication.

<sup>3</sup> Lord Clarendon.

the language was plain and explicit, and I thought this would be the almost unanimous opinion of the American people; but in writing to you I should mention what he had now said, as I had done what he had said at our former interview.

I have thus given you a faithful report of our conversation according to my best recollection. Lord Clarendon's manner is at all times courteous and kind; but upon this occasion it was peculiarly so; and he seemed to be deeply impressed with the subject. Were the decision to depend upon him, I am persuaded the fleet would be withdrawn; but this would not be in character with Lord Palmerston. There are unmistakeable indications, however, from different quarters of England, and especially from the Manufacturing Districts, of strong disapprobation at the course of the Ministry towards the United States. We are defended in the public journals, and able and judicious communications in our defence have even been inserted in the *Times*. There is now quite a lull here, which will most probably continue until the blast shall reach us from your side of the Atlantic.

The *Times* exerts a wonderful influence in this country. Its circulation is more than 60,000 per day. Every body reads it,—every body abuses it,—and every body is influenced by it. To give you an instance: The English public, and to my own certain knowledge, several highly respectable and intelligent persons, really believed in the danger from Russian privateers fitted out in our ports, and in the inability, if not want of inclination on the part of the Government to prevent this violation of our Neutrality laws. Nay, more, many even swallowed the absurdity of the Irish invasion. The consequence was, that when by the last advices, all appeared to be quiet and peaceful in the United States, consols rose immediately. The reason avowed for this was, that there did not appear to be any immediate danger from Russian privateers or from an expedition to Ireland.

I shall now close this interminable Despatch.

Yours very respectfully.

3054

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 114

LONDON, January 22, 1856.

SIR: In my private letter of Friday last,<sup>2</sup> I informed you that I had adopted means, through the agency of a friend, to prevent *The Times* from committing itself upon the Central American questions until after its conductors should have an opportunity of examining the correspondence on the subject

<sup>1</sup> Despatches, Great Britain, vol. 68. Received March 21.

<sup>2</sup> Not found in the archives of the Department of State.

which had been sent to Congress with the President's Message. That friend is Dr. James Robert Black, of Kentucky, who has been long a resident of London, and is intimately acquainted with several of the persons who control the course of this journal. He is an able man and is true to his native country.

No person who has not resided in England, can form an adequate idea of the influence of *The Times* in forming public opinion in this country, and in this manner acting effectually on the Ministry. It has, of late given a decided support to Lord Palmerston; and up till the very last moment, I had *good reason* to apprehend it would come out against us on the Central American questions. I was, therefore, agreeably surprised upon the perusal of its Leader of yesterday morning. In the present state of public feeling in this country, it would be difficult to estimate the beneficial effect of that article on public opinion.

On yesterday, I had an interview with Lord Clarendon which had been previously postponed on account of the illness and death of his mother at his family residence.

His Lordship commenced the conversation by observing that we had at length received the President's Message. I asked him how he liked it, and he replied he was sorry to observe its unfriendly tone towards England. I asked in what particulars, and he designated the remarks on the Central American questions. I expressed a contrary opinion, and told him that I thought the President had treated this subject in an able and discreet manner. This led to a very long conversation on the true construction of the Clayton and Bulwer Treaty. It would be a vain labor to report this conversation in detail, neither of us having advanced any new argument. Towards its conclusion, I pressed upon him the question, Why should Lord Palmerston have been so anxious to exclude Belize from the operation of the Treaty, if he had not felt conscious that without such exclusion, Great Britain would have been bound to retire from this possession? I told him I had never heard from his Lordship or any other person an answer to this argument. All the answer he made to me was, that he would again examine into this point. He then, as he had more than once done before, referred at some length to the propriety of settling these questions by arbitration. In answer, among other things, I observed that I had sometimes been almost sorry that the Treaty was so plain and explicit as not to justify a resort to this course. But even if this were not the case, I asked him to name the sovereign to whom the United States could with safety refer these questions, considering the relation in which Great Britain stood towards the different Powers of the earth. His Lordship was silent; and I then remarked, that if this were not impossible, I would rather take my chance before the Court of Queen's Bench than before any sovereign whom they would be willing to select. He said, laughingly, it was just as likely as not Campbell, (meaning the Lord Chief Justice,) would decide against them. . . .

<sup>1</sup> . . . I continue to be convinced that peace will be concluded; because peace is desired both by Louis Napoleon and the Sultan. This event will leave the British people with their pride mortified, and with a vast military and naval force on hand ready for action; and this too, under the control of a statesman whose conduct has generally been arrogant rather than pacific towards foreign nations. All this will not have, and ought not to have the least effect in preventing us from firmly and steadily maintaining our just rights, though it may prove a temptation to Lord Palmerston's Government to act towards us in a different manner from what they might have done under other more propitious circumstances. It was for this reason that I attached so much importance to the course which *The Times* might take on the Central American questions.

Yours very respectfully.

3055

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 117

LONDON, February 1, 1856.

SIR: I had an interview by appointment on Tuesday last, with Lord Clarendon at the Foreign Office.<sup>3</sup> . . .

I have been agreeably disappointed at the just light in which the Central American questions seem to be viewed by the British Press & people, although Lord Derby in last night's debate agrees with the British Government's construction of the Clayton and Bulwer Convention. Indeed, public opinion in this country would at the present moment appear to be decidedly favorable to our construction of that Convention. *The Daily News* first and *The Times* the day after, as you will have observed, came out in judicious and friendly articles on the subject; and it is difficult to over-estimate the influence of the latter journal. Still, I regret to say we can place but little reliance upon its consistency.

Lord Clarendon does not entertain the least doubt of peace with Russia. At the commencement of our interview on Tuesday last, he gave me a full account of the present state of the negotiation and informed me he would go to Paris as the negotiator on the part of Great Britain. He is fully sensible of how much the British people dislike to make peace at the present moment and how anxious they are to try their fortune in another campaign; and is also perfectly aware that a different sentiment animates the French

<sup>1</sup> The omitted portions relate chiefly to the Crimean war.

<sup>2</sup> Despatches, Great Britain, vol. 68. Received February 22.

<sup>3</sup> The omitted portion relates chiefly to Buchanan's request, under instructions from the Secretary of State, for the recall of the British Minister to the United States, and several British consuls, for complicity in recruiting men in the United States for the Crimean war.

Emperor and people. Indeed, his Lordship hinted, in unmistakable terms, that the peace might cause the present Ministry to lose their places; but he said he thought it was right in itself and he did not care for the consequences to himself personally.

I transmit a copy of the Queen's Speech delivered yesterday, furnished me from the Foreign Office. It was believed by many that an allusion would be made in it to the questions in dispute between the two countries; but in this they, and among the rest several members of the Diplomatic Corps, were disappointed.

I had intended to offer some speculations on these questions, but on reading the debate in *The Times* this morning between Lords Derby and Clarendon, I deem this unnecessary for the present.

Yours very respectfully.

3056

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 119

LONDON, February 5, 1856.

SIR: I have kept you advised, both in my public Despatches and in my private letters, of the state of feeling in this country in regard to the questions now in dispute between the two Governments.<sup>2</sup>

These questions now seem to be approaching a diplomatic, if not a belligerent rupture: and I deem it almost certain that as soon as the news shall arrive in this country, that you have sent Mr. Crampton his passports,<sup>3</sup> I shall receive mine from Lord Clarendon.

You will observe in the leading article of *The Times* of yesterday morning, the following remarks:

Every day we expect to hear that our Minister at Washington has received his passports and is on his way home. That, of course, will compel a similar proceeding on our part with regard to the American Minister, and Mr. Crampton and Mr. Buchanan, the two inoffensive gentlemen representing their Governments at Washington and London, will probably cross each other on the Atlantic.

I doubt not but that this article indicates the course which the British Government has determined to pursue.

A significant incident in this connection has recently occurred which will prove worthy of notice, should it not appear to be a mere mistake. On Saturday evening last, Lady Palmerston gave her first reception for the season:

<sup>1</sup> Despatches, Great Britain, vol. 68. Received February 26.

<sup>2</sup> Buchanan's private letters to the Secretary of State, relating to the questions in dispute, were not found in the archives of the Department of State. His public despatches, pertinent to this publication, are above, this part, *passim*.

<sup>3</sup> See above, p. 625, note 3, for the reason for requesting Crampton's recall.

and to this I was not invited along with the other Foreign Ministers. This omission, if intentional, cannot be explained by any reasons personal to myself, unless, indeed, it was caused by your publication of my opinion, that had Lord Aberdeen remained in power, the differences between the two countries on the Central American questions would have been satisfactorily adjusted.

I have ever been on fair terms personally both with Lord and Lady Palmerston.

Ere this can reach Washington, you will have read the speeches of Lord Derby and Lord Clarendon in the House of Lords on Thursday evening last, which will speak for themselves.

Lord Clarendon says in relation to the Central American questions:—

In such a case, correspondence is useless, and I lost no time in offering to refer the whole question to the arbitration of any third Power, both sides agreeing to be bound by the decision. That offer has not yet been accepted; it has been renewed, and I hope that, upon further consideration the Government of the United States will agree to it.

The evident purpose of his Lordship was, by these remarks, to convey the idea to the country that a formal offer had been made and reiterated by the British Government to our Government to refer these questions to arbitration. As this is a favorite method among the Manchester School of politicians of settling international disputes, the statement of his Lordship is well calculated to produce an effect upon Messrs. Cobden, Bright and Gibson, as well as many others, in the main, friendly to the United States.

It is, therefore, proper for me to state, as a matter of fact, that I have reported to you, in the most faithful manner, every conversation which has passed between Lord Clarendon and myself on the subject of a reference of these questions to a friendly Power. As I have never learned that the British Government has made any such offer to the Government of the United States through Mr. Crampton, I infer that his Lordship must have referred to the general conversations between him and myself, which would by no means justify the broad terms of his statement. Thus much merely to vindicate the truth of history.

Had not the Central American questions been complicated with the recruitment question, I should have entertained, Lord Derby to the contrary notwithstanding, fair hopes of their satisfactory adjustment. An opinion exists in England to a considerable extent in favor of our construction of the Clayton and Bulwer Convention, and this has elicited a spirit of inquiry and investigation which cannot fail to prove advantageous to our cause. Indeed, a leading Bookseller in London has published a pamphlet (price 1 shilling or 25 cents) containing the convention itself, the correspondence between Messrs. Bulwer and Clayton on the exchange of Ratifications, and that between Lord Clarendon and myself; which promises, as I am informed, to have a considerable circulation. I may add, on the information of a Member of

Parliament, which, however, I can scarcely credit, that Sir Henry Bulwer himself favors our construction of the Treaty. I shall learn more of this in the course of the present week.

In regard to the anticipated dismissal of Mr. Crampton and the consuls, I regret to say that public opinion in England seems at present to be decidedly against our Government. This you will learn from the public journals. Independently of these, I may state from information derived from our own citizens in London, that in conversations at the Clubs and in Society, the almost universal expression of opinion is to the following purport:—

We have made the amende honorable to the United States:—if we have unintentionally violated their laws, we have tendered them such an apology as one gentleman ought to accept from another in private intercourse:—we have done everything in our power to satisfy their susceptibility, and still they are not satisfied. It is evident they design “to pick a quarrel” with us, &c. &c. &c.

Of course, no person talks to me in this manner.

How are these erroneous impressions to be removed? In conversation with those on whom I can rely, I have done all that I could for this purpose; but I have no access to the public journals. The correspondence will, probably, be published too late in the United States to produce its proper effect in this country; and it may not & probably will not be republished in England. Even if this should be done, the masses of the English people, unlike our own, do not think for themselves; but are prone to follow their leaders without much inquiry. I would suggest that if this be possible, you should send me at least one hundred copies of the printed correspondence by the same conveyance which will bring the news of Mr. Crampton's dismissal.

Under ordinary circumstances, no danger of war between the two countries could result from the dismissal of Mr. Crampton. For my own part, I do not participate, to any great extent, in the apprehensions seriously entertained on this subject by our countrymen engaged in business in London. The news that you have sent Mr. Crampton his passports will, beyond all question, produce an intense sensation throughout England. This will doubtless be followed, on the principle of the *lex talionis*, by my dismissal; and I shall be made the peace offering—a most willing victim so far as I am personally concerned.

A mere suspension of Diplomatic intercourse, of itself, cannot be attended with very serious danger, though it will place the two countries in such a menacing attitude towards each other, that the occurrence of any untoward event may produce hostilities.

Still there are considerations involved in the question on which the American Government ought not to shut their eyes.

Peace with Russia is almost universally unpopular in England. This is not so much for the reason that they dislike the terms, as because they feel

deeply mortified that they have not acquired more glory in the war. Their pride is mortified, because they feel that they have not sustained their rank among nations as a first rate military Power. At a moment when their hopes were high,—when they had made vast preparations at an enormous expense to recover their *prestige*, which they doubtless would have done in another campaign, Austria and the inevitable Louis Napoleon have intervened and peace will be concluded. In society I have often heard the expression:—“All we want is another round;” and then no matter what may be the result, we shall be willing to make peace. They are now peculiarly sore and sensitive, and are just in that irritable state, that they will quarrel for a cause, which, under other circumstances, would not have given them serious offence. If they can be made to believe their honor is concerned in the question of Mr. Crampton's dismissal, and that our Government, in a hostile spirit, are pressing them to make unreasonable concessions, I am convinced from my own observation, as well as from the general popular tone, that the Government and the Press could influence them to embark in a war against the United States. They are in a condition at the present moment, not to count the cost, the suffering and the pecuniary losses which such a step would entail upon them. Besides, it is believed, and such is my own opinion, that Lord Palmerston's administration cannot long survive the peace; but as a war Minister, he is considered a necessity. And, whilst I do not for a moment believe, unfavorably as I may think of him as a public man, that he would intentionally involve his country in a war with the United States to perpetuate his own power; yet human nature is too prone honestly to believe that course of public policy the best which chimes in with selfish interest.

You cannot fail to have observed the vain boastings and the threats contained in the British public journals. In the event of a war, according to them, our cities on the sea-board are to be bombarded; our ports blockaded; our commerce swept from the ocean; our Union divided, and a servile war excited by the landing of Black Regiments in the South. Their perfect preparation—and it is true they have never been so well prepared for war at any former period of their history—is contrasted with our alleged want of preparation. They do not know that all their threats, so far from intimidating the American people, are well calculated to arouse into action that glorious, indomitable, self-relying and patriotic spirit which animates the hearts and would nerve the arms of our countrymen, and in the end assure them the victory, in case Great Britain should attempt to carry her vain boasts into effect. I have deemed it my duty, however, as a faithful sentinel, to present to you these “signs of the times,” which ought not in prudence to be altogether disregarded by the President and Cabinet.

Another observation which I have to make is, that the delay to organise the House of Representatives, has done much injury to our national character in England, and as I believe, throughout Europe. No man who has not



resided in this country can appreciate the ignorance, even of otherwise well-informed people, concerning our country and its institutions. This I have every day occasion to observe. Indeed, considering the intercourse between the two countries, this ignorance is amazing. The inference most generally drawn from the failure to elect a Speaker is that the House is divided on the question of abolishing slavery throughout the United States; and that this obstinate struggle portends civil war between the North and the South and a division of our Union.

I had hoped to be able in this Despatch to report to you the result of another interview between Lord Clarendon and myself, which I had requested; but his Lordship has appointed the time of meeting for to-morrow.

Yours very respectfully.

3057

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 120

LONDON, February 8, 1856.

SIR: On Wednesday last, the 6<sup>th</sup> Instant, I had an interview with Lord Clarendon at the Foreign Office. I told him I desired to ascertain whether the statement he had made in the House of Lords on the evening of Thursday the 31<sup>st</sup> ultimo, that the British Government had made to the American Government an offer which has been recently renewed, to arbitrate the Central American questions, was founded on what had passed between him and myself in conversation; or whether he had instructed Mr. Crampton to make to you in writing a formal proposal for arbitration. He replied, that his statement was founded on our different conversations; and that, in these, he had several times proposed to me a reference of these questions to arbitration; and he expressed the hope that I had communicated his propositions to my Government. I informed him that I had faithfully reported to you all the conversations we had held in reference to an arbitration; but I had not believed that what he had said on these occasions, amounted to such an offer as could be recognised by our Government as a foundation for specific action on so grave a matter. I added that I did not doubt you were of the same opinion, as I had never received a line from you on the subject. He observed that before holding these conversations with me, he had consulted the Cabinet and spoke their sentiments as well as his own. I remarked that this fact had now for the first time been communicated to me. If he had informed me of it at the time, this would have given his conversation a more serious character and caused it to make a deeper impression on my mind. He said he had thought that as a matter of course, I would consider what he had said to me had been said after consultation with the Cabinet. In reply, I ob-

<sup>1</sup> Despatches, Great Britain, vol. 68. Received February 26.

served, that I had thought, when one nation desired to propose to another the submission of an international dispute to arbitration, this would be done by writing and in due form. Such had been their own course when they proposed to arbitrate the Oregon question. Besides, the President might, if he thought proper, consult the Senate on the question; and what would be thought by that Body, if such a proposition were presented to them in the loose form of various conversations between him and myself, which, after all, I might, through mistake or inadvertence, not have reported correctly. He said that what he had done he considered the preliminary step; and if our Government had indicated any satisfaction with it, they would have been prepared to proceed further; but from what I had said to him, he did not think they had received much encouragement. I told him that whenever I had spoken to him upon the subject, I had always been careful to assure him that I was expressing my own individual sentiments, without any instructions or information from my Government; and that these remained unchanged. I, also, observed that his last letter to me finally denying our construction of the Treaty, and forming an issue between the two Governments, might appropriately have contained a proposition for arbitration; and in this manner, the question might have been brought in regular form before our Government. He then, for the first time, informed me that he had addressed a Despatch to Mr. Crampton on the subject, with instructions to him to read it to you. He then sent for it, and read it to me. I believe it is dated in November; but a copy being doubtless in your possession,<sup>1</sup> it will speak for itself: and he informed me that all you had said about it to Mr. Crampton was, that the matter was in Mr. Buchanan's hands.

He proceeded to express a decided opinion in favor of arbitration, and said that when two friendly Governments disagreed upon the construction of a Treaty, the natural and appropriate course was to refer the question to a third friendly Power. He had ever firmly believed their construction of the Treaty to be correct. He, then, requested me to communicate to you their proposal for an arbitration and how anxious they were that the question might be settled in this manner. I told him I should cheerfully comply with his request; but repeated that my own individual opinions remained unchanged. I considered the language of the Treaty too clear for serious doubt, and such I believed was the opinion of public men of all parties in the United States. This had been evinced by the recent debate in the Senate on the President's Message. Besides, the difficulty of selecting a suitable Sovereign as an arbitrator seemed insurmountable. But, I said this was a question for my Government and not for myself.

I then proceeded to observe, that as there might soon be a suspension of

<sup>1</sup> This document was dated November 10, 1855 and is below, this part, in a footnote to British Minister Crampton's note of February 27, 1856, doc. 3060. See Secretary Marcy's instruction No. 3 to Dallas, Buchanan's successor, February 29, 1856, above, this volume, pt. 1, doc. 2762, on this subject.

diplomatic intercourse between the two Governments, it was the duty of each during the period this might continue, carefully to avoid all causes of irritation, as any spark might then produce an explosion. To this sentiment he very cordially responded. With this view, I said I desired to talk to him seriously about a matter which had recently occurred at Antigua. (Vide your Despatch No. 134.<sup>1</sup>) We then held a conversation upon this subject which I do not deem it necessary to repeat. He had been made acquainted with it before and his promises were altogether fair and satisfactory. In the same connection, I brought to his notice the subject of your Despatch No. 108,<sup>1</sup> concerning a similar occurrence at Savana la Mar. When I receive the report of Captain Fairfax of the *Cyanne* [Cyane?], which I presume has been sent to me, I shall probably address his Lordship a note in regard to these two cases, and especially the occurrence at Antigua.

After the conclusion of this conversation, he expressed a wish to know why I thought we were about to have a suspension of Diplomatic relations. I informed him I had derived this information from high authority—that of *The Times* and *Morning Post*, the latter the acknowledged organ of Lord Palmerston. According to these, I was to receive my passports as soon as the news should arrive in England that you had sent his passports to Mr. Crampton; and we were to cross each other on the Atlantic. He denounced the newspapers in strong terms and said he had not seen the article either in the *Post* or *Times*; but he neither admitted nor denied the truth of their assertion, though expressing a warm regard for myself, which I must in justice say, I reciprocate towards him personally. This led to a general conversation about the course of these journals and the threats contained in them against the United States; which he condemned in strong and emphatic terms, and expressed a warm desire, on their part, to cultivate the most friendly relations with our country. In the course of this conversation, I denounced in most decided terms, the injustice so frequently done to President Pierce in these and other English journals, in attempting to make the British public believe that he had brought forward the great questions now in contest between the two Governments for mere electioneering purposes. Nothing, I said, could be more false and unfounded: and on these questions the people would rally round their President. He agreed with me in opinion that such charges against President Pierce were unjust and unbecoming; and he was sorry they had ever been made; but observed that Mr. Cushing's conduct and publications, calculated to inflame the American people against England, whilst standing in the confidential relation of a member of the Cabinet, evinced anything but those friendly feelings towards them which they entertained for the United States; and this conduct so far as he knew, had never been marked by any sign of disapprobation from the President. We then went into a discussion of Mr. Cushing which became quite ani-

<sup>1</sup> Not pertinent to this publication.

mated, especially on the part of his Lordship; but which it could do no possible good to repeat. One thing is certain: that his Lordship is kept informed, doubtless with great exaggerations, of every thing which Mr. Cushing says in regard to this country.

I then asked his Lordship if he had yet sent to Mr. Crampton an answer to your Despatch of the 28<sup>th</sup> December.<sup>1</sup> He said he was sorry he had not been able to do this. He thought it due to Mr. Crampton, as well as to themselves and the Government of the United States, first, to afford him an opportunity of explaining or answering some thing contained in your Despatch, which he was glad to say had been written in a proper and praiseworthy tone and spirit, and with this view he had sent a copy of it to him by the last steamer. I stated he had informed me at our interview that they would not recall Mr. Crampton, and had said he would soon answer your Despatch, and this I had written to you. He asked what did you tell Mr. Marcy I had said in relation to Mr. Crampton's recall? and I replied I had repeated his own words: "*We will not do it.*" He asked, did I say so? and I answered yes,—these were your very words. He then appealed to me to say whether it was not right and fair to give Mr. Crampton an opportunity of being heard. I replied, such a course was always right; but intimated that the opportunity might have been offered to him at an earlier day. My memory does not recall the words he then employed; but I understood him rather to intimate than express an apprehension lest you might act before receiving his answer; and I told him I did not think you would take any decisive action in the matter until you had received it; and then the interview ended. He will go to Paris the latter end of next week to attend the peace conferences.

I have been a good deal in society since the meeting of Parliament and have conversed with a number of members of both Houses on the Central American and recruiting questions; but never except when introduced by themselves. On the former I have expressed my opinions pretty freely; but on the latter with more reserve, as the correspondence has not yet been published. Upon the whole, I may venture to say, that appearances have assumed a more favorable or rather a less unfavorable aspect than when I last wrote. I have reason to believe that our construction of the Clayton and Bulwer Treaty will be ably sustained in the House of Commons, and probably also, in the House of Lords. I shall carefully watch "the signs of the times," during the brief period I may remain here, and I earnestly hope that a successor may yet arrive before my departure. Within the last day or two, I have heard a suggestion from an influential and friendly quarter, that it would be best to submit the construction of the convention to two citizens of our own country and two British subjects, all of eminent character

<sup>1</sup> Not included in this publication. The nature of it is revealed in note 3, above, this part, p. 625.

and abilities, with authority to them, should this prove necessary, to select an umpire. I have given this suggestion no encouragement, but the reverse; though it would be less hazardous than a reference to any European Sovereign. I fear that the proposal of arbitration may withdraw public attention from the merits of the question; but my impression daily gains strength that the people of Great Britain will not consent to a war with the United States to maintain their contested possessions in Central America.

I have some reason to believe I was mistaken in the speculation contained in my last Despatch, that the Manchester School would advocate arbitration. I know that at least one of them, and he the most distinguished, is in favor of an immediate settlement and an abandonment of their claims in Central America.

I have delivered to Lord Clarendon the tenth volume of Little & Brown's edition of the United States Statutes at Large, in conformity with your instructions (No. 133.)

Yours very respectfully.

3058

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 123

LONDON, February 19, 1856.

It has been stated to me by the member of the House of Commons to whom I referred in a former Despatch, that Sir Henry Bulwer is quite decided in our favor so far as the surrender of Ruatan and the Bay Islands to Honduras is concerned;<sup>2</sup> but although this information proceeds from a highly respectable source, I do not deem it worthy of implicit credit.

When I had progressed thus far with my Despatch, Lord Aberdeen called to see me and we had a long conversation concerning the existing state of the relations between the two countries. There is but one portion of it, however, which I have time to insert, even if I should deem it proper to make the rest the subject of a public Despatch.

I reminded him of the conversation between us on the 28<sup>th</sup> December, 1854, which I reported to you in my Despatch No. 54, of the 30<sup>th</sup> December;<sup>3</sup> and informed him that from motives of delicacy towards himself, I had requested you not to publish this Despatch with the other Central American documents, to which you had kindly assented. He thanked me for having done this: and I then informed him that I would, with his permission, be

<sup>1</sup> Despatches, Great Britain, vol. 68. Received March 5.

The omitted portion at the beginning of the despatch relates chiefly to a debate in the House of Commons on British recruitments in the United States for the Crimean war.

<sup>2</sup> He apparently refers to his No. 119, February 5, 1856, above, this part, doc. 3056, which reports Sir Henry Bulwer's attitude, but in less detail. <sup>3</sup> Above, this part, doc. 3034.

pleased to read this Despatch (No. 54) to him for the purpose of ascertaining whether my report had been correct. He replied that he would be very glad to hear it read; whereupon I sent for it and read it over to him. At the end, his Lordship said it was altogether correct:—he could not have reported it more correctly, if as correctly himself; and that he would not hesitate to express the very same opinions in the House of Lords.

His visit was one of considerable length; and before his departure I made him fully acquainted with the true state of the recruitment and Crampton question in contrast with the statements and suppressions of Lord Palmerston. I have communicated more to him on this subject than to any other person. His conversation throughout this interview afforded me additional evidence of his sound and mature judgment, as well as the frankness and justice of his character.

Yours, very respectfully.

3059

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 124

LONDON, February 22, 1856.

Some time since, Mr. Fred'k M. Kelley, of New York, presented to me a letter of introduction from yourself; and explained the object which had brought him to Europe. This was to induce the British and French Governments, in conjunction with our own, if this could be obtained, to make a survey of the Atrato route for a thorough cut ship canal between the Atlantic and Pacific oceans. Mr. Kelley, with commendable public spirit and liberality, had caused a survey of this route to be made at his own expense, and he feels a great desire that the accuracy of this survey should be tested by a survey undertaken by the three Governments.

I had a purely private and unofficial conversation with Lord Clarendon some time since on the subject; and we entirely agreed in opinion that such parts of the Isthmus as were not already well known, ought to be thoroughly explored; and if any practicable route could be found for a thorough cut canal through which vessels of burden might continue their voyages from the Atlantic to the Pacific, the interests of the commerce of the world required that it should be constructed, no matter what might be the cost. His Lordship seemed to be perfectly willing to join the United States and France, without delay, in causing this exploration to be made and the correctness of Mr. Kelley's survey to be ascertained; but I informed him I had no instructions on the subject, and I did not believe that whilst the Central American

<sup>1</sup> Despatches, Great Britain, vol. 68. Received March 11.

The omitted portion at the beginning of the despatch relates chiefly to correspondence regarding British recruitments in the United States for the Crimean war.

questions remained in their present situation, my Government would feel disposed to unite with the British Government in such an undertaking. I have deemed it proper thus to bring the subject to your notice.

Yours, very respectfully.

3060

*John F. Crampton, British Minister to the United States, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, February 27, 1856.

MY DEAR SIR: Observing that some misapprehension seems to exist as to the offer made by Lord Clarendon to Mr. Buchanan to submit the points regarding the interpretation of the Clayton-Bulwer Treaty upon which the two Gov<sup>ts</sup> disagree, to arbitration, I think it well to send you the enclosed dispatch which I received from Lord Clarendon<sup>2</sup> on the subject in December last. I regret not having made you this communication before, but the truth is that the last paragraph of the despatch escaped my attention until I referred to it lately, and as I was aware that the negotiation of the question regarding Central America was in M<sup>r</sup> Buchanan & Lord Clarendon's hands, I considered the dispatch as meant merely for my own information as to what was going forward, upon a subject in regard to which I inferred you were already informed.

Believe me [etc.].

P. S. I send the original dispatch which I will beg of you to return to me; but I have no objection to your taking a copy of it.

<sup>1</sup> Notes from Great Britain, vol. 33. Received February 27.

<sup>2</sup> This document, dated November 10, 1855, follows:

*Lord Clarendon, British Secretary of State for Foreign Affairs, to John F. Crampton, British Minister to the United States*

LONDON, November 10, 1855.

SIR: M<sup>r</sup> Buchanan having, in the course of conversation a few days ago, adverted to the impression that would be created in the United States by the non-settlement of the Central American Question, I again assured him that England had no wish to extend her influence or to obtain any Territory in that part of the world; and I reminded him that as the difference between this Country and the United States turned solely upon the interpretation of the Treaty of 1850, I had offered on the part of Her Majesty's Government, to submit the case to the arbitration of a Third Power; but that he had declined the offer, Her Majesty's Government, I said, would still abide by that offer, and though it would be the fairest and most amicable manner of arriving at a settlement of the Question.

M<sup>r</sup> Buchanan said he would make it known to his Government, and you are instructed to communicate this Despatch to M<sup>r</sup> Marcy.

I am with great Truth and Regard [etc.].

3061

*James Buchanan, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 125

LONDON, February 29, 1856.

Referring to your Despatch No. 93, of the 16<sup>th</sup> June last,<sup>2</sup> and my No. 88, of the 4<sup>th</sup> September,<sup>3</sup> I have the honor to transmit to you the copy of a letter which I addressed to the Hon: John Y. Mason, on the 6<sup>th</sup> December last,<sup>4</sup> upon the request of Mr. Juan B. Alberdi, Chargé d'Affaires of the Argentine Confederation to Great Britain and France; and also, an original

<sup>1</sup> Despatches, Great Britain, vol. 68. Received March 17.

The omitted portion at the beginning of the despatch relates to a consular appointment.

<sup>2</sup> Above, this volume, pt. 1, doc. 2755.

<sup>3</sup> Above, this part, doc. 3045.

<sup>4</sup> His letter to the United States Minister at Paris follows:

*James Buchanan, United States Minister to Great Britain, to John Y. Mason, United States Minister to France*

LONDON, December 6, 1855.

MY DEAR SIR: I address you upon the request of Mr. Juan B. Alberdi, Chargé d'Affaires of the Argentine Confederation to England and France, who is now in Paris.

You are aware that a Treaty of Commerce was concluded between this Confederation and the United States, on the 27<sup>th</sup> July, 1853. This Treaty is similar to those concluded with England and France. The Province of Buenos Ayres has refused to join the other thirteen Provinces embraced by the Confederation, has protested against these Treaties and has established and maintained an independent Government. To repeat the language of Governor Marcy in his Despatch to me of the 16<sup>th</sup> June last [Above, this volume, pt. 1, doc. 2755.—Ed.], "It is represented that the object of Buenos Ayres in taking and holding such a position is, to secure to herself at the Port of Buenos Ayres, the monopoly of foreign commerce to that country. She fears that by joining the Union of the other States foreign trade will be opened on the La Plata at Ports above that of Buenos Ayres. For this selfish purpose, she is naturally anxious to be recognised by foreign Powers, if not as a separate State, as one entitled to control the policy of the present Confederation."

Mr. Alberdi visited Washington before his arrival in England and held conferences with the Secretary of State, which resulted in the Despatch to which I have already referred. You, most probably, have received a Despatch [The first instruction to Mason on this subject was dated February 1, 1856; see it, above, vol. VI, doc. 2497.—Ed.] of a similar character.

I was directed by this Despatch, which I read to Lord Clarendon, to explain to him "the course which the President has determined to pursue towards Buenos Ayres and the Argentine Republic and to ascertain what that of Great Britain is or is likely to be."

This duty I have performed, and I find that the two Governments are agreed not to recognise Buenos Ayres by accrediting a Minister to that country. France has pursued a different policy; and the object of Mr. Alberdi at Paris, is to induce the French Government to adopt a policy similar to that of Great Britain and the United States. How far you may be willing to aid him in accomplishing this object, if you have received no instructions on the subject, will be for yourself to decide.

Meanwhile, I have sent Mr. Alberdi a letter of introduction to you. He was commended to me by Governor Marcy as a gentleman deserving my favorable notice, and "well acquainted with the state of things on the La Plata," "who will desire to explain fully to me the relations between the Argentine Republic and Buenos Ayres," and this he has certainly done in the most ample manner. "The President, (concludes the Despatch) is satisfied that his Government is entitled, in a political and commercial point of view, to our friendly regards."

Yours, very respectfully.



letter in Spanish from Mr. Alberdi, dated on the 21<sup>st</sup> Instant, with a translation of the same<sup>1</sup> communicated by himself.

The favorable change in the public opinion of this country towards the United States, to which I took occasion to refer in my No. 121, of the 12<sup>th</sup> Instant,<sup>2</sup> has since continued to advance. Indeed, no person, unless he has been upon the spot, can appreciate the extent of this change since the meeting of Parliament on the last day of January. The savage editorials of *The Times*, *Morning Post* and other London journals a few weeks ago, are in perfect contrast with the speeches and proceedings at the Lord Mayor's dinner on Wednesday last.

Without reporting the conversation at length between Lord Aberdeen, now a private gentleman, and myself on the 19<sup>th</sup> Instant, I deem it proper to inform you that he expressed a decided opinion, under existing circumstances, in favor of arbitration. In answer to my objections, he said that in his opinion no arbitrator could be selected who would not decide the question of the Bay Islands in our favor: and for his own part, after peace was made, he should be quite willing to agree that the Emperor of Russia might be the Arbitrator. It is but just to him to add, that he thought it far from clear

<sup>1</sup> This translation, obviously defective, follows:

*Juan B. Alberdi, Argentine Chargé d'Affaires to Great Britain and France, to James Buchanan, United States Minister to Great Britain*

PARIS, February 21, 1856.

DEAR SIR: I have the honour to communicate to you that the reclaims of the Argentine Confederation on the french Government, have been attended to in a satisfactory manner for the general interesses of commerce and fluviatric navigation in yonder country.

The Emperor of the French has agreed to Change his Legation in the river Plate, recalling M<sup>r</sup> Le Moyne which had accredited himself near the province of Buenos Ayres as well as the capital of the Confederation.

Monsieur Lefebvre [Lefèvre] de Becour [Bécourt] has been appointed in his stead as Minister Plenipotentiary, in order to reside in the city of Paraná, Capital of the Confederation, without accrediting himself in Buenos Ayres.

This change has been communicated to me on the 8<sup>th</sup> of the present month by Monsieur le Comte Walewski, Minister for foreign affairs.

I have reasons to believe that the motives, which the french Government has had in view, for causing this modification in his policy in the river Plate [Plata], one of them has been the example lately given by the Govern<sup>t</sup> of the United States and also the desire of beeng uniform.

May it then please you Sir, to accept the thanks that I present you in the name of my country, for the co-operation of the United-States, whose organ you had the goodness to be in London & Paris. I also believe to have made use of this kindness with the greatest discretion.

Lord Clarendon has equally communicated to me that the Government of H. B. M. would send a Minister Plenipotentiary to the Paraná and no longer a Chargé d'Affaires as was first appointed.

I hope you will allow me to express the desire that you will have the goodness to acquaint the Government of the United States with this news.

Concerning you Sir, I have the honour to wish you the greatest felicity in retourning to your country, and to consider me as one of your most respectful servants, with which sentiment I have the honour [etc.].

<sup>2</sup> Not pertinent to this publication. It relates to correspondence in regard to recruitments in the United States by British agents for the Crimean war.

that the Treaty abolished the Mosquito Protectorate, though he freely admitted that it had essentially limited its use. He, however, considered this Protectorate a matter of small importance, which might be easily arranged to the satisfaction of both Governments. They were anxious to get clear of it. All they desired was that the Mosquitoes should have secured to them the same right of occupancy, over a limited portion of the territory, which Indians enjoyed under the practice of Great Britain and the United States.<sup>1</sup>

## 3062

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 2

LONDON, March 21, 1856.

Late last evening, and in conformity with a preliminary notification, I was called upon by Mr. William Brown, the Member of Parliament from Liverpool, of whose high character, as well as friendly dispositions towards our Country, you are perfectly aware. After expressing his great desire to promote, in every way within his power, an adjustment of the Central American question, he remarked that he had asked for this interview with me, under the strong impression that the means to be useful were now in his possession. He had just received a document, which, if carried out, and he was convinced that it certainly would be, must prove satisfactory to both my government and his. He had taken it to the Admiralty, and conferred with Sir Charles Wood, had also consulted Lord Parnnure[?], by whom a copy was sent to the Earl of Clarendon at Paris, and his sense of its practicability and importance had been confirmed by every conversation. The document thus characterised was put into my hands, and I found it to be a note from Mr. E. G. Squier, formally [formerly?] Chargé d'Affaires of the United States in Honduras, now temporarily in London, suggesting a solution of the difficulty, springing from the continued occupation, and recent formal erection into a colony, of the Bay Islands,—of which an exact copy, furnished me by Mr. Brown, is subjoined.<sup>3</sup> Mr. Brown declared himself exceedingly

<sup>1</sup> In the remaining part of the document Buchanan alludes briefly to Lord Aberdeen's fine character, refers to a legation matter, and to his uncertainty of the time of the arrival of his successor.

<sup>2</sup> Despatches, Great Britain, vol. 69. The receipt date was not indicated.

The omitted portion at the beginning of the despatch relates to the receipt of three instructions to him, none of which is pertinent to this publication.

<sup>3</sup> It follows:

*Ephraim George Squier, former United States Chargé d'Affaires in Honduras, to the Honorable William Brown, M. P.*

LONDON, March 19, 1856.

MY DEAR SIR: Recurring to the conversation which I had the honor of having with you this morning, if I understand the question clearly, the only substantial issue in the

solicitous that this paper might reach the American Government before any decision on the proposal to arbitrate; and, abstaining from any expression of opinion upon its contents, I told him I would cheerfully facilitate his wish by forwarding it to you in the next Steamer. On my once casually remarking that the *projet* of Mr. Squier would seem applicable to one feature only, altho' certainly a prominent feature, of the controversy under the Treaty, he said, with quick confidence, that the Mosquito Protectorate amounted to nothing, and would be conceded by the British Government:—and if Ruatan, Bonaca &c. were disposed of there would be no ground left on which to prolong the dispute:—and it seemed to him that the restoration to Honduras of the Sovereignty of those Islands, and their *establishment as Free Ports* would effectually attain every object of the American Government.

I shall hope to hear from you on this subject, either in the form of instructions or otherwise, by the earliest return opportunity, as it is impossible not to feel sincerely desirous to give to Mr. Brown the prompt and respectful attention and consideration to which he is so eminently entitled.

With great respect [etc.].

Central American complication is that of Ruatan, and the Bay Islands. This issue is primarily and legitimately between G't Britain & Honduras; the latter claiming the *right & the former claiming the fact of sovereignty over these Islands*. Now after a residence of upwards of a year in Honduras, & with a personal knowledge of the people and public men of that Republic, I am convinced that its Government would willingly consent to the arbitration of the question of sovereignty as between the Republic and Great Britain—or, in case that England should *generously* make a restitution of the Islands, I am equally sure it would recognize all rights of property and of interest which have grown up under English occupancy, and further more concede to the actual inhabitants such municipal rights and powers, as should practically constitute them an independant community, very nearly on the footing of the Free Cities of Germany. In fact I have had repeated conversations with G<sup>a</sup> Heran [Herrán], the Minister from Honduras in Paris, and with other influential citizens of Honduras, resident there, on this subject, and have found them all unreservedly favorable to such a plan of adjustment, not less on their own account, than to withdraw the question from controversy between the U. States & Gt. Britain. If it were possible to procure an intimation from the British Gov't that it would receive a representation from Honduras with the view to the settlement of this question, and the foundation of a commercial treaty, I am *positive* in my conviction that the Gov't of that Republic would *gladly and at once* avail itself of the opportunity of sending a plenipotentiary for these purposes.

The relations myself and my associates have with Honduras, naturally make us *anxious for the speedy adjustment of all differences between that State and other Countries*, and furthermore enable us to call such influence in play as I am sure would lead to that desirable result. I can see no reason why the whole matter may not be satisfactorily arranged within ninety days.

With sentiments of high respect [etc.].

3063

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 3

LONDON, March 28, 1856.

DEAR SIR: My last despatch<sup>2</sup> hastily communicated to you the object and result of an interview specially invited by Mr. William Brown. On the 25<sup>th</sup> instant I received from that gentleman, a letter and an enclosure on the subject of that interview, Central America, exact copies of which accompany this despatch.<sup>3</sup>

<sup>1</sup> Despatches, Great Britain, vol. 69. Received April 18.

The omitted portion at the end of the despatch relates to the adjournment of Parliament for the Easter holidays and other matters not pertinent to this publication.

<sup>2</sup> His No. 2, March 21, 1856, is above, this part, doc. 3062.

<sup>3</sup> They follow:

*William Brown, M. P., to George M. Dallas, United States Minister to Great Britain*

LONDON, March 24, 1856.

MY DEAR SIR: The arrival of the West India Mail has put Mr. Squier in possession of further information on Central American affairs. He has written me a note on the subject, and by his permission and wish I am to communicate it to your Excellency, and to this Government: enclosed is a copy of it [Below, in this footnote.—Ed.].

I trust this movement on the part of Honduras & Nicaragua will enable those vexed questions to be settled in a way honorable to both countries & I hope equally satisfactory. I am sure such a result on the commencement of your diplomatic residence here, would be gratifying to you, and our respective countries.

I hope no action will be taken on this question at Washington until they know what has been done here. I find however that Lord Clarendon is so fully occupied at this moment, as you may suppose, that Messrs. Herran & Alvarado will not come here until his Lordship returns from Paris.

I have the honor [etc.].

*Ephraim George Squier, former United States Chargé d'Affaires in Honduras, to William Brown, M. P.*

LONDON, March 23, 1856.

MY DEAR SIR: Since I wrote to you on the 18<sup>th</sup> [He presumably refers to the communication dated the "19<sup>th</sup>," above, this part, p. 639, note 3.—Ed.] I have received a piece of intelligence which bears directly and most favorably upon the subject of my letter of that date. I should first say that, in conjunction with Don Leon Alvarado (one of the Commissioners with whom I negotiated our Charter) I some months ago wrote to the Gov't of Honduras, urging it to send a Minister to Great Britain, for the purpose of submitting a proposition relative to the Bay Islands, substantially the same with that which I indicated in my letter to you. I have now the satisfaction of informing you that the Gov't of Honduras has acted on the suggestion that the last W. India Steamer brought powers and instructions to Sr. Don Victor Herran, actual representative of Honduras in France, to proceed at once to London to lay the proposition before her Majesty's government. Don Leon Alvarado has also received powers to proceed to the United States to cooperate in the movement, in case, after consultation, it shall be thought expedient or necessary.

I do not see therefore but that this matter lies in a nut shell, and may be arranged without serious difficulty or delay.

Mr. Amory Edwards (our V. Pres't) who was recently called to Washington to advise with the President & Cabinet in relation to C. American affairs, writes to me under date of the 15<sup>th</sup> instant "that Ruatan is the real bone of contention" and the issue to which the U. States attaches most importance.

Mr. E. also informs me that before recent well known events took place in Nicaragua, Mr. Marcoleta the Minister of that State in Washington, and Mr. Crampton had ar-

Mr. Squier, as far as regards the Bay Islands and the Mosquito protectorate, would seem to be precise enough:—but his reference to the Belize is somewhat loose, omitting, as if esteemed by him wholly insignificant, any attention to the very great southern expansion given by its British occupants to that settlement. I draw your particular attention to this, because as the encroachment involves a marked incompatibility with the “Monroe doctrine”, by being, at every advance, a fresh *possessio pedis* on the continent itself, it is a point on which, should the President deem it expedient to instruct me at all, in the present aspect and position of this controversy, I would desire to receive from you positive directions. To my mind, the practical consequences at no very distant day of impliedly recognizing the actual extent and pretensions of that “establishment” by any arrangement involving even a temporary waiver of our construction of the Treaty of 1850, render it quite equal, if not superior in importance to the protectorate itself. Certainly, if, by the diplomatic intervention of Honduras and Nicaragua, according to Mr. Squier’s plan, the ground of dispute can be cleared of the two matters which he justly considers, as between America and Great Britain, insurmountable, we may find this government less anxious to insist upon her interpretation, and so far our cause would be strengthened:—but I must hope that you will not yield to that interpretation in the remotest manner, and thus seem to sanction the constantly creeping enlargement of British Honduras. Lord Clarendon so often and seriously assured Mr. Buchanan of his “sincerity” in construing the Treaty as prospective, and so emphatically stated in the House of Peers that this construction was the “common sense” one, that it might be well, without impeaching his Lordship’s sincerity or common sense, to prove the existence of the same excellent qualities in those who have enforced the American view.

ranged a convention by the terms of which the so called Mosquito King was to retire to Jamaica on a pension from Nicaragua, and the jurisdiction of that state to be extended over the Mosquito Shore, the Indians, retaining the right of occupancy but not that of sovereignty. This is certainly an easy solution of the Mosquito question, and one in which the alleged protectorate of Gt. Britain over the Mosquitos, would be most judiciously and humanely exercised for their advantage. For I think no man in his senses, who knows anything whatever of these savages, can hope that they will ever rise to the comprehension or exercise of the rights or duties of an independent nation. And you may depend upon it, that the present Gov’t of Nicaragua, which is far the most liberal, enlightened, and I may add stable one, which the country ever possessed, would not be slow to enter into an arrangement of this kind, with the probable additional concession of organizing San Juan (Greytown) as a Free Port.

Belize—an establishment which has carried industry, commerce, and a relative civilization on a coast which would otherwise have remained barren and uninhabited, no one in America would wish to disturb.

If then the questions with Honduras, in respect to the Bay Islands, and with Nicaragua in respect to the Mosquito shore, were adjusted in the modes above indicated, the whole Central American controversy becomes settled in a manner honorable to all parties, in consonance with the spirit of the age, & in such a way also as must put the C. American States under a sense of obligation and gratitude to Gt. Britain, which could not fail to benefit her future relations with that part of the world.

With high respect [etc.].

3064

George M. Dallas, *United States Minister to Great Britain*, to William L. Marcy, *Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 7

LONDON, *April 29, 1856.*

DEAR SIR: On the 21 instant I received your N<sup>o</sup> 7, dated the 7<sup>th</sup> April,<sup>2</sup> in answer to my despatch N<sup>o</sup> 2, of the 21. March;<sup>3</sup> and also your letter of the same day marked "private and confidential".<sup>4</sup> As the topic treated in the former had been adjourned by the parties connected with it to the return of the Earl of Clarendon from the Conference of the Allies at Paris, and as that gentleman came back only a week ago, your N<sup>o</sup> 7 arrived in exactly the time when its contents would be most useful. To be sure, existing parliamentary circumstances render it exceedingly doubtful whether General Herran or Mr. Squier will be able very soon to attract the attention of the British Ministry to the expediency of yielding back the Bay Islands to Honduras:—but as that project is being much discussed and urged, I should have remained in doubt about the views of the President and yourself, and unable to give it the efficient countenance, I am now at liberty to give under the precautions you suggest.

3065

George M. Dallas, *United States Minister to Great Britain*, to William L. Marcy, *Secretary of State of the United States*<sup>5</sup>

[EXTRACT]

No. 8

LONDON, *May 1, 1856.*

A large printed folio copy of "The Correspondence with the United States, respecting Central America, presented to both Houses of Parliament by command of Her Majesty," has been furnished to me by, I presume, the direction of Lord Clarendon. I propose carefully to examine it hereafter; but at present have only to remark that it appears to embrace all that has heretofore been made public by you, and *a little more*. That *little more* consists of one letter addressed by Lord Clarendon, under date of 26<sup>th</sup> March

<sup>1</sup> Despatches, Great Britain, vol. 69. Received May 13.

The omitted portion at the end of this despatch relates chiefly to European politics.

<sup>2</sup> Above, this volume, pt. 1, doc. 2764.

<sup>3</sup> Above, this part, doc. 3062.

<sup>4</sup> An instruction, dated March 21, 1856, was found in the manuscript volume, but it was not marked private and confidential, and its content is not pertinent to this publication.

<sup>5</sup> Despatches, Great Britain, vol. 69. Received May 24.

The omitted portion at the beginning of the despatch relates chiefly to the reply of the British Secretary of State for Foreign Affairs to the Secretary of State's request for the recall of the British Minister to the United States, and three British consuls in the United States, in consequence of their violation of United States neutrality laws.

1856, to Mr. Crampton, consoling him somewhat for having omitted so long to acquaint you with his Lordship's despatch of the 10<sup>th</sup> November:<sup>1</sup> and also of an *extract* of a letter from Mr. Crampton to the Earl of Clarendon dated 31<sup>st</sup> March 1856., and received the 12<sup>th</sup> of April. I beg leave respectfully to claim your particular attention to this brief *extract*, with which the folio closes: it is in these few words: "It will be within your Lordship's recollection that Mr. Clayton was informed by Sir Henry Bulwer, before the Treaty of 1850 was signed, that Ruatan was *de jure* and *de facto* a British possession: and Mr. Clayton has on various occasions since, in conversations with me, stated that he considered Ruatan as much a British possession as Jamaica, or any other British West Indian Island".

There must be some great mistake here; and I would suggest the urgent expediency of communicating to Mr. Clayton this statement of Mr. Crampton, so that he may, to the extent of its inaccuracy, correct it at the earliest day, and in the most public manner. It may be important that I should be in possession of the exact truth in regard to it without the least delay.<sup>2</sup>

3066

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 9

LONDON, May 9, 1856.

You will have observed from the newspapers that Sir Edw. Bulwer Lytton in the House of Commons, two days ago, assented to the request of Lord Palmerston, and postponed his motion on the subject of Central America, until after the holidays, which commence tonight, and will last in effect to Monday the 19<sup>th</sup> instant. The remark of the Premier was, that the Government of the United States had received the formal offer of arbitration,<sup>4</sup> but had not yet replied to that offer, and it was expected that an answer might arrive, and so the negotiation be closed before the expiration of the

<sup>1</sup> See above, this part, p. 636, note 2, for Lord Clarendon's communication of November 10, 1855 to Crampton. The other documents mentioned in this paragraph are not included in this publication.

<sup>2</sup> The portion omitted here relates to a discussion in Parliament and is not pertinent to this publication.

<sup>3</sup> Despatches, Great Britain, vol. 69. The receipt date was not indicated.

The omitted portion at the beginning of the despatch relates to a treaty between Austria and France, and to other matters not pertinent to this publication.

<sup>4</sup> In regard to this offer, see Buchanan's despatch No. 120 to the Secretary of State, February 8, 1856, above, this part, doc. 3057, and in the same part, a note from the British Minister to the United States to the Secretary of State, dated February 27, 1856, doc. 3060, and its enclosure, in note 2 thereto; and also instruction No. 3 to Dallas, February 29, 1856, above, this volume, pt. 1, doc. 2762.

suggested delay. In all probability the same course will be pursued as regards the Enlistment question,<sup>1</sup> until your answer to Lord Clarendon's last communication is received.

I am [etc.].

3067

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 10

LONDON, May 23, 1856.

The condition of things in Central America attracts great attention. The prospects of Gen'l Walker in Nicaragua, are rather hastily pronounced desperate. The intercepted letters,<sup>3</sup> showing the "complicity" of the British government in the war waged by Costa Rica against Walker, and indeed against the presence of any Americans on the Isthmus, have excited a keen anxiety as to their probable effect upon the popular mind, as well as upon the government policy, of the United States. Lord Elgin, as soon as Parliament met after the holidays, on Monday the 19<sup>th</sup> instant, questioned the Earl of Clarendon in the House of Lords as to the genuineness of the published correspondence. Its genuineness was promptly admitted; but an effort was made to take the edge from that admission by saying that the engagement to furnish arms had not been carried into effect, and that according to the information sent by Mr. Crampton, *you* were avowedly as solicitous to see the filibusters "rooted up" as was Her Majesty's Government. It was said that, in answer to Mr. Wallenstein's <sup>4</sup> proposal that the British Government should "accept the protectorate of those countries", he had been told that "the Government was determined to have nothing whatever to do with any interference with the affairs of Central America." Still, it is undeniably established that on the very first occasion which presented itself, this Government, speaking through the Foreign Office, if it did not actually send two thousand muskets, owing at first to the want of authority in the Costa Rican Agent to receive them, promptly expressed its willingness to do so, and its gratification at finding that Costa Rica was taking "*a right step*" by invading Nicaragua. It is difficult to avoid seeing a conflict here between profession and practice. For if this readiness to supply arms, and to encourage their

<sup>1</sup> This question is not pertinent to this publication.

<sup>2</sup> Despatches, Great Britain, vol. 69. Received June 7.

The omitted portion at the beginning of the document comments upon several instructions from the Secretary of State, none of which is pertinent to this publication.

<sup>3</sup> See Wheeler's despatch No. 46 to the Secretary of State, March 31, 1856, above, vol. IV, doc. 1333, and the enclosures in note 1, p. 510, which are presumably the documents to which he refers.

<sup>4</sup> This name has been faithfully reproduced from the original despatch, but in the Central American documents, mentioned in the footnote immediately above, this name is spelled Wallerstein.



employment against Nicaragua have not something to do with interfering in the affairs of Central America, I am at a loss to conceive how any thing short of the loan of a regiment of red coats, can have. When I spoke at the Mansion House of the possibility that some inexorable over-ruling state policy might baffle all my efforts at conciliation, I had no reason for thinking that its finger would so soon show itself in Central America. Here it already is—beaten from its covert and exposed—in disproof of perpetual protestation, and plainly inconsistent with the purposes and provisions of the Clayton-Bulwer Treaty! We shall have no reason to be surprised, if, under the pretext of opposing filibusterism, buccaneering, plunder, and robbery, all of these Central American States are allowed to enjoy the shelter of a British Protectorate. Lord Clarendon told the Lords that it had been repeatedly sued for, and that he had declined giving it. In what shape it could be more effectively given than in the shape of two thousand muskets, it is not easy to conjecture: nor how long this Ministry may consider it expedient to envelope their fixed, unremitting and subterranean policy of commercial and political encroachment in a mere verbiage of non-interference. The Government of Great Britain is not the manly above-board government it formerly was:—and this intercepted Costa Rican correspondence shows us the extent to which we can rely upon its disclaimers.

I received two days ago from Mr. William Brown, member for Liverpool, the information that "the last West India Packet brought the wanting powers &c. accrediting Señor Herran to Her Majesty's government as representative of Honduras; and that he is instructed to act in harmony with Mr. Alvarado, and propose a Treaty with Great Britain, parallel in terms with that to be proposed to the United States, so as to avoid any ground of jealousy between the two countries". This statement has no doubt been made by Mr. Squier, who is now in Paris, and who may be expected to accompany Señor Herran to London very soon. It is said that the *projet* which Messrs Herran and Alvarado are empowered to submit to the British government, and which involves a restitution of the Bay Islands to Honduras, receives the countenance of the Earl of Clarendon. If that be correct, our controversy on the construction of the Treaty, may be relieved from one of its chief practical difficulties; and we shall only have to look carefully at the conditions or terms of the proposed restitution. The instructions of your No 7 will be kept in mind; and after possessing myself of the details of the plan, I will abstain from any definitive action, in view of the President's having ample opportunity to consider and decide in respect to them. Perhaps indeed it is intended to defer any negotiation on the subject with us, until the matter be matured, if not perfected, with this Government: and then to transfer the scene of business to Washington. Considering the very different relations in which the two countries stand towards the Bay Islands, it is not easy to anticipate the exact character of a Treaty *"to be proposed to the*

*United States parallel in terms with that proposed to Great Britain".* I do not myself expect to see realized the alleged favorable inclination of Lord Clarendon. Possibly I have misconstrued the formality with which the creation of the new colony has been announced, and the efforts to give it promulgation through the newspapers:—but I shall be agreeably disappointed, if, after an affectation of generous disposition to reach some arrangement insurmountable impediments are not discovered to exist in the details.<sup>1</sup>

3068

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 11

LONDON, May 27, 1856.

My impressions are exceedingly strong as to incidents which have recently occurred. Their import is not, I think, to be mistaken. That a secret understanding and arrangement exists between this Government and Costa Rica—extending perhaps to other Central American States by the operation of which the Clayton-Bulwer Treaty is to be got rid of, and the Isthmus brought under British controul, so as to disjoint our Union, and monopolize the commercial avenue, I cannot avoid deducing from the intercepted correspondence,<sup>3</sup> the endless and measureless denunciations of Walker, the prostitute perversions of your private conversations with Mr. Crampton, and this cool proceeding of Captain Tarleton.<sup>4</sup> Of course, these impressions, until verified by more flagrant detections and manifestations, I do not choose to make the groundwork of my conduct here; but I express them to you, that you may give them the weight you think they deserve.<sup>5</sup> . . .

The Commissioners from Central America, Herran and Alvarado, have not yet called upon me, in reference to Mr. Squier's projet,<sup>6</sup> and I am inclined to believe, from information given me by Mr. William Brown, that their intention to do so has been in some way changed. He is told that they

<sup>1</sup> The remaining part of the document relates to a passport question.

<sup>2</sup> Despatches, Great Britain, vol. 69. Received June 18.

In the omitted portion at the beginning of the despatch Dallas reports chiefly that he had not received an answer from the British Secretary of State for Foreign Affairs to his request for an interview for the purpose of executing the Secretary of State's instructions to demand an explanation regarding the interference of Captain Tarleton of the British Sloop of War *Eurydice* with the landing of the passengers of the United States Steamer *Orisaba* at San Juan del Norte, and to inquire what instructions had been issued by the British Government to its officers stationed on the Atlantic and Pacific sides of Nicaragua, respecting vessels arriving from the United States and their passengers, whose purpose was to pass across or remain.

<sup>3</sup> See above, this part, p. 645, note 3.

<sup>4</sup> In regard to Captain Tarleton, see above, note 2.

<sup>5</sup> The omitted portion relates to a claim matter and also reports that additional British troops were being sent to Canada.

<sup>6</sup> In regard to Squier's projet, see Dallas's despatch No. 2, March 21, 1856, above, this part, doc. 3062, and the enclosure in note 3 thereto.

consider themselves bound in honor and interest to do nothing in the least disrelished by the United States: that the Government of the United States is not, as they suppose, in favor of their scheme: and that, while under this impression they will not approach this government. I thought myself warranted in saying, that so far as the simple restitution of the Bay Islands to Honduras was involved, I was quite prepared to tell them that the President entirely approved: but if that act were to be accompanied by conditions or stipulations of any sort, of course those conditions or stipulations must be first communicated and examined before the President could form or express any opinion about them. Mr. Brown said he would write this to Mr Squier. I am [etc.].

3069

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 12

LONDON, May 30, 1856.

I was punctually at the Foreign Office. After a few introductory remarks respecting the very friendly professions as to the United States made the evening before in the House of Lords on the discussion of the Earl of Elgin's motion, I took from my pocket the Protest of Captain Tinklepaugh of the American Steamer "Orizaba," concerning the treatment he had experienced on arriving at San Juan del Norte with four hundred and eighty passengers, from Captain Tarleton of Her Majesty's Sloop of War "The Eurydice". I observed to Lord Clarendon that having just received that paper from you in a despatch,<sup>2</sup> the purpose of my visit was to read its contents to him, and then to request that he would be good enough to furnish me with replies to two or three enquiries suggested by it. It is said that your answer satisfied me at once that he had already seen the Protest, and I submitted to him if that were so? He answered yes, that "they had sent it to him". "Of course then I need not trouble you by reading it. Your Lordship must be aware that the facts stated by Captain Tinklepaugh are of an extremely serious and delicate character. They are calculated very deeply to wound the susceptibilities of the American People, and may be followed by an excitement dangerous to the relations of the two countries". "But Captain Tinklepaugh did not make his Protest when and where the facts occurred: he seems to have got roused by something on his voyage to, or after his arrival at New York."

<sup>1</sup> Despatches, Great Britain, vol. 69. Received June 18.

In the omitted portion at the beginning Dallas reports that the British Secretary of State for Foreign Affairs, in reply to his request for an interview, had appointed "the 28<sup>th</sup> instant."

<sup>2</sup> The Secretary of State's instruction No. 11 to Dallas, dated May 9, 1856, and its enclosure are not included in this publication. The content of the instruction is sufficiently indicated above, this part, in note 2, p. 647.

"Rather say, my Lord, that what irritation he may have felt had had time to cool, for his complaint is marked throughout by a frankness and moderation hardly to have been expected under the circumstances. But my object is apart from Captain Tinklepaugh. The leading and incontestible facts lead to higher considerations. Your Lordship cannot, I am sure, justify a British Naval Officer in interfering with the regular business of an American vessel, carrying passengers from New York to Nicaragua, in giving orders that the disembarkation or landing of the passengers should be obstructed or prevented: in going on board, in overhauling and examining her papers: in assuming to question the passengers as to where they were going: in detaining the vessel and all on board under his controul for two hours: all this, while his Sloop of War was close at hand, and he professed to have no other cause of his conduct than that somebody had told him there were in the Steamer four or five hundred men on their way to join General Walker?"

"Why certainly, as you state the case, there can be but one opinion or reply. But I am not prepared to condemn Captain Tarleton until I hear what he has to say in explanation. He may possibly give another aspect to the business. I sent to the Board of Admiralty for his report: they had received none from him, and had heard nothing of the transaction. In a short time we may get his account of the matter, and be then able to determine whether to disavow his proceeding or to sanction it". "I have then another, and more important enquiry to make. Will your Lordship inform me what are the orders or instructions issued by the Government to British Naval Officers in command on the Atlantic or Pacific side of the Isthmus, in relation to American vessels engaged in carrying passengers from any Port of the United States to any place in that region." "I am not aware of the existence of such orders or instructions. I will send to the Admiralty and enquire. If there be any, you shall be furnished with copies of them. No doubt we have given orders to our Naval commanders to visit the several ports, and to see to the security of British commerce and property."

"That, I remarked, is a general order, issued probably by all governments having navies. It is the chief purpose of a navy in time of peace. Am I to understand you to say distinctly that you are not apprized of the existence of any orders of a more specific or discriminating character bearing upon our vessels?" "Certainly. I will get you copies of whatever orders may have [been?] issued, and are in force; and (suited the gesture to the word) I really do not think they are longer than my finger." I remarked on the rather singular pretext upon which Captain Tarleton seemed to have acted. It so happened that of all the four hundred and eighty passengers in the "Orizaba" not one was of the description styled filibusters:—that four hundred and twenty passed up to the Nicaragua Lake, and on to California; and the remainder, altho' ticketed to different parts as settlers or travellers, were alarmed at the alleged abandonment of that line of travel, and returned to

New York in the same steamer. But had they all designed entering into the military service of Nicaragua under General Walker, altho' they might have subjected themselves to the penalties of our Neutrality laws while in New York, it was not easy to see how a British Naval Officer could imagine himself at this time of day, warranted in disregarding the American Flag, in undertaking to search an American Ship, and in coercing the conduct of an American master and crew.

This conversation which lasted full an hour and a half, and which, on its business topic I have been careful to relate accurately, was occasionally broken by discursive references to other matters, and before it closed we had touched upon nearly all the questions of difference between us. The intercepted correspondence with Costa Rica: <sup>1</sup> the uncalled for imputations made in diplomatic notes: the probability that we should soon recognize the "Walker government"; the wretched affidavits furnished by Mr. Crampton and the Consuls, and several kindred subjects had their respective shares of discussion.<sup>2</sup> . . .

Mr. Clayton's emphatic contradiction, on the floor of the Senate, corroborated by Mr. Crittenden, of Mr. Crampton's statement about his repeated admissions that Ruatan was as certainly a British Island, as any of her West India possessions, reached here yesterday, and has caused a great sensation. I have yet heard no attempt at excusing or extenuating the statement. Let it be remembered too that it is an instance of a course of conduct, as to which they affect to be particularly and punctiliously jealous: namely, the disloyal perversion of private conversation.<sup>3</sup>

3070

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States* <sup>4</sup>

[EXTRACT]

No. 13

LONDON, June 3, 1856.

I subjoin copies of two letters, which have passed between Mr. Squier and myself <sup>5</sup> on a subject as to which the President's instructions, contained in

<sup>1</sup> See Wheeler's despatch No. 46 to the Secretary of State, March 31, 1856, above, vol. IV, doc. 1333, and the enclosures in note I, p. 510, which are presumably the documents to which he refers.

<sup>2</sup> The omitted portion relates chiefly to a report that the United States had made a treaty with Persia containing provisions obviously hostile to Great Britain.

<sup>3</sup> In the portion omitted here Dallas comments upon the sensitive condition of the public mind in England on existing American relations.

<sup>4</sup> Despatches, Great Britain, vol. 69. Received June 18.

In the omitted portion at the beginning of the despatch Dallas acknowledges the receipt of an instruction that is not pertinent to this publication, and mentions that he is enclosing a note from the British Secretary of State for Foreign Affairs containing the orders issued by the British Admiralty to its officers stationed on the Atlantic and Pacific sides of Nicaragua and also his reply to that note. Neither of these documents accompanied this despatch,

Footnotes 4 and 5, page 650—*Continued*

but see a summary of these brief orders, below, this part, p. 653, note 3. See also Dallas's despatch No. 12, May 30, 1856, above, this part, doc. 3069, on this subject. Dallas also makes a request in this omitted portion for authority to make an emphatic denial of the existence of a treaty reported to have been made between the United States and Persia containing provisions hostile to Great Britain.

<sup>5</sup> They follow:

*Ephraim George Squier, former United States Chargé d'Affaires in Honduras, to George M. Dallas, United States Minister to Great Britain*

PARIS, May 28, 1856.

MY DEAR SIR: The fact that both of the gentlemen holding diplomatic powers from Honduras, (the one as Minister to England & the other to the U. S.), are instructed to act with my advice and concurrence, must be my apology for taking an active part in matters with which I am not officially connected, and more especially for the liberty which I now take of writing to you.

That a great error was committed in negotiating the Clayton & Bulwer Treaty, I believe everybody is now forced to admit—an error alike of principle and policy. That the treaty has been violated in letter & spirit by G. Britain, in the occupation & colonization of the Bay Islands, no impartial judgment will deny—Under such circumstances but two lines of conduct are open to the U. S.; first the *enforcement* of the treaty by the expulsion of the English from Ruatan, and second, the abrogation of the treaty. And here comes the practical difficulty. Will the U. S. make the occupation of Ruatan a cause of War? I am constrained to believe that the material interests involved are not sufficiently great and obvious, to be weighed against the clear and incalculable evils of war. Will the Treaty be abrogated? Can a majority be found in the Senate of the U. S. to advise & second such a course? As parties are at present constituted in that body, or as they are likely to exist for some time to come, I am forced to think that we cannot look for any such action. But even if such an abrogation were to be made, the act would only tend to fasten more firmly the British hold on the Bay Islands, & their liberation even then could only be effected by force—by a war. What then can be done under all the circumstances of the case? It is most threatening & dangerous for us to have England build up another great military station dominating our highway between the seas; and yet such a station is slowly but surely growing up in the Bay Islands, the strategical & military capabilities of which are now but imperfectly understood even by England herself. The longer they remain in her hands, the more tenacious will be her hold. Hence the vital importance of procuring their restoration to Honduras, if it can be done without involving consequences more grave than those which must follow from a consolidation there of British interests and power.

When last fall, the discussion as between England & the U. S. came to a "dead lock", and it became obvious that England had taken a position from which she could not recede without appearing to yield to the pressure of the U. S., I gave up the hope of procuring the restitution of the Bay Islands, except through direct negotiations, on the part of Honduras. Such negotiations would at least test the sincerity of the pretensions of the British Govt, that they did not attach any great value to the Islands, but were not to be bullied out of what they conceived to be their rights over them.

I therefore wrote to Honduras urging the appointment of a minister to proceed upon behalf of that State to London, empowered to open negotiations upon the subject, in case he should receive previous indications that the British Govt was disposed to treat on the basis of a restitution of the Islands. I also pointed out the necessity of doing nothing, except on terms which would be perfectly acceptable to the U. S., which stood in the relation of first friend to Honduras.

As you are aware, these suggestions have been acted upon, & Mr Alvarado appointed to the U. S., & Mr. Herran [Herrán] to England, are now both in Paris with full powers and instructions. The latter do not authorise them to take a step except with my advice and concurrence, & furthermore impose upon them the necessity of doing nothing which should be unacceptable to the U. S.—They are ready to treat with England on the conditions:

- 1—Of the surrender or restitution of the Bay Islands.
- 2—Of the recognition on the part of Honduras of all rights of property & interest which have sprung up under English occupancy.
- 3—Of Legitimatising as citizens all inhabitants of the Islands as may elect to become such, & guaranteeing the same rights &c to the others, as belong to foreigners generally, residents in the state.

Footnote 5, page 650—*Continued*

I am not sure but that they would be willing to admit the enjoyment by the people of the Islands, of such special municipal rights, as might be deemed necessary or proper for their good regulation, in view of their antecedents & differences of language—provided that, in the opinion of the United States such concessions could be safely made, without affording grounds for future British interference. Mr. Brown is decidedly of opinion that the British Gov<sup>t</sup> would accede to these terms, but I fear that it may insist upon stipulations which we could not consent to see admitted, but which might be secured from Sr. Herran, by one means or the other, in case he should enter into negotiations. It seems to me of some importance therefore, that before his credentials are presented, a basis of negotiation, an *Ultimatum*, should be agreed upon, which should contain all, (but nothing more), that the U. S. would advise Honduras to concede. Mr. Herran and Mr. Alvarado would both be glad to exchange views with you on this and other points, & would be willing to make a special trip to England for that purpose. They authorise me to say that they would meet you, at any day you might think proper to designate, say at *Brighton*, which is near London. I think Mr. Herran under all the circumstances, would prefer not to go to London at present. Mr. Brown if his presence should be thought desirable, would probably be willing to visit Brighton for the purpose indicated.

It seems to me that Mr. Herran should be fully impressed with the views & wishes of the U. S. in this matter, before entering on his mission. The propriety of his entering on it at all may perhaps be questioned. Unless there should be good reason for believing that he would be successful in his object, I should advise against taking any step whatever.

I have only in conclusion, to ask your pardon for intruding this long and discursive letter on your time and attention.

Mr. Brown writes to me that Capt. Fitzroy has made a most favorable report to Lord Clarendon on our proposed Railway.

With high Respect [etc.].

*George M. Dallas, United States Minister to Great Britain, to Ephraim George Squier, former United States Chargé d'Affaires in Honduras*

Private.

LONDON, June 1, 1856.

DEAR SIR: Your letter of the 28<sup>th</sup> May '56 [Above, in this footnote.—Ed.] did not reach me until the 30<sup>th</sup>, after I had seen Mr. Brown and requested him to convey to you my sentiments.

I thank you for the clear and full statement you have given me of your position and views.

It has no doubt occurred to you that our Government cannot, especially at this juncture, participate in any negotiation having for its object a new disposition of Islands over which they can pretend to claim no right of sovereignty whatever. The groupe headed by Ruatan is really part of Honduras, but is occupied and colonized by Great Britain. The question is, therefore, to be adjusted by those two governments exclusively. If the latter can be persuaded by Sr. Herran [Herrán] to do what is just, and restore the islands unconditionally to Honduras, such a course will be cordially approved by the U. S. first as a measure of right, second as a measure favorable to the independence of their own commerce and intercourse, and third as a measure removing practically one of the leading causes of difficulty with this country.

If, however, the restitution cannot be effected except upon terms, or stipulations, which would divest it of substantial and permanent character, leaving the islands subject, in the remotest degree, to English influence or law, and ready to relapse, at a more propitious moment, into their present colonial dependence, the United States could not fail to regard it with disfavor, first as a source of future quarrel between Honduras and Great Britain, second as, on the part of the latter, only a plausible evasion of an existing issue, and third as legalizing, without substantially disarming, the actual usurpation.

I do not think that the Government at Washington would find any thing in the *three conditions* you have enumerated at all questionable:—but there is something in your suggestion about admitting the inhabitants to the enjoyment of special municipal rights, which savors of keeping up the distinction between the English citizens, and the other citizens of Honduras, and so facilitating the future relapse to which I have adverted. To this, the President would probably seriously object. Perhaps you have stated it somewhat vaguely:—and, indeed, until the "special municipal rights" are distinctly enumerated, I do not wish to hazard a positive opinion.

your N<sup>o</sup> 7.<sup>1</sup> are ample and explicit. I think I can detect in Mr. Squier's letter the existence of some unavowed impediment to the progress of his scheme: it may be a distrust as to the extent S<sup>r</sup>. Herran may feel disposed to go, if the negotiation with this government be once in train. Hence I felt anxious to disclaim any unfavorable sentiment on the part of the President reserving his judgment on the possible stipulations or terms.

The reception of Padre Vigil, involving a recognition of the "Walker government" of Nicaragua, has not produced the impression that was anticipated. Of course it is abused: every thing said or done by the United States, which does not square with the policy or ethics of England is necessarily open to measureless abuse by the Press here: but it is hardly a nine days wonder; for the "Times" of yesterday under the influence of more reason, or greater panic than usual, hastens to suggest that it is not only "no case of war, it is not even necessarily a ground of diplomatic complaint", and tranquilly recommends "that in the present critical state of the relations between the two countries rather to pass this matter by in silence than to incur the risk of introducing fresh difficulties into a discussion already sufficiently perilous, or give an excuse to those who are even now only too ready to seek an occasion of quarrel."<sup>2</sup>

## 3071

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 14

LONDON, June 10, 1856.

Your highly interesting despatches N<sup>os</sup> 13. and 14<sup>4</sup> concerning the two points of controversy, the Central American Treaty of 1850, and the Re-

The moment is perhaps unfavorable to action. The two nations are much excited by the recent events, and are watching each other with extreme jealousy. It is not merely impossible for me to leave London for an hour, but I should fear that my meeting Mess. Herran and Alvarado just now, any where, would excite suspicions, and impede their progress. In a short time, the cloud will either disappear or burst.

I am very respectfully [etc.].

<sup>1</sup> Above, this volume, pt. 1, April 7, 1856, doc. 2764.

<sup>2</sup> In the portion omitted here Dallas states that he anticipates a request for his recall, because of the ministry's powerful majority in Parliament, their dislike of the American administration, and in consequence of the expected news of the dismissal of the British Minister to the United States.

<sup>3</sup> Despatches, Great Britain, vol. 69. Received June 24.

<sup>4</sup> In the portion omitted at the beginning of the document Dallas states that he is enclosing a book and also the note from the British Secretary of State for Foreign Affairs to him, containing the orders issued by the British Admiralty to its officers on the Atlantic and Pacific sides of Nicaragua, which he omitted to enclose in his despatch No. 13, dated June 3, 1856. See p. 650, note 4 to that document, above, this part. These orders merely stated that they were "to protect British interests & life & property." The omitted portion also relates to a claims case.

<sup>5</sup> The Secretary of State's No. 13, May 24, 1856, is above, this volume, pt. 1, doc. 2765. His No. 14 is not pertinent to this publication.



cruitment for the Foreign Legion of Her Majesty's Army, respectively, together with your Confidential Letter, dated the 27<sup>th</sup> ultimo,<sup>1</sup> reached me from the Steamer Asia, arrived at Liverpool, late in the afternoon of yesterday. They were carefully read; and, appreciating the great importance of their contents I immediately addressed to the Earl of Clarendon a request for an interview at his earliest convenience. I hoped to have obtained an answer and an appointment this morning; but no reply has come, and, of course, I despair of being able to let you know the sense of this government on them by the present opportunity. My own impression is that these papers are so strongly marked by a conciliatory spirit, and make discriminations so obviously just, that they cannot but be accepted as a basis upon which the friendly sentiments and relations of the countries, may, honorably to both, be frankly restored. If this be not the result, my suspicions of a predetermined course of hostility, let what may be said or done, will receive confirmation. I feel fully convinced that your disposal of Mr. Crampton and the Consuls, will, whenever it becomes fairly a topic of Parliamentary discussion, be acquiesced in by a decided majority. This is a risk that Lord Palmerston will avoid if he can: even should his candor not control his policy.

I am very respectfully [etc.].

3072

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACTS]

No. 15

LONDON, June 13, 1856.

DEAR SIR: Late in the evening of the day on which I forwarded my N<sup>o</sup> 13<sup>3</sup> to Liverpool, for the Steamer Atlantic, I received an answer from Lord Clarendon to my request for an interview in which he designated the 11<sup>th</sup> instant at three o'Clock. A copy of his note is annexed.<sup>4</sup>

I took with me to the Foreign Office, at the time appointed, your two despatches received on the 9<sup>th</sup> instant, to wit, N<sup>o</sup> 13<sup>5</sup> restricted to the Central American or Treaty question, and the offer of arbitration; and N<sup>o</sup> 14,<sup>6</sup> announcing the decision of the President respecting Mr. Crampton and the British Consuls at New York, Philadelphia, and Cincinnati.<sup>7</sup> . . .

<sup>1</sup> Not included in this publication. It also relates to the recruitment question.

<sup>2</sup> Despatches, Great Britain, vol. 69. Received June 28.

<sup>3</sup> It is obvious from the content of this despatch that he erroneously refers to his No. 14, June 10, 1856, above, this part, doc. 3071.

<sup>4</sup> Not included in this publication.

<sup>5</sup> Above, this volume, pt. I, May 24, 1856, doc. 2765.

<sup>6</sup> Not pertinent to this publication.

<sup>7</sup> In the omitted portion Dallas states that he informed the British Secretary of State for Foreign Affairs that he had not yet officially received the information that the British Minister to the United States had actually been sent his passports.

. . . Your two letters were then read by me, beginning with N° 13:—his Lordship holding a pencil in his hand, and occasionally making a memorandum.

When I had finished N° 13, he was obviously much gratified by its tone and import; and he remarked with some warmth, that it would be disreputable to both Governments, if, upon a platform written with so much clearness, and in a spirit so candid and conciliatory, they failed to reach an adjustment of the whole difficulty.

He recurred to his memoranda, and observed that the President was perfectly right in what he said in reference to the British claim of "*possessions*" in Central America at the date of the Treaty:—that they claimed no "*possessions*" whatever; that the Belize never had constituted a part of Central America: that San Juan, or Grey Town, was no "*possession*" of theirs, but they had prevented its being taken from the Mosquitos by Nicaragua, while it was still the subject of negotiation, by virtue of their protectorate, and had done no more. He then entered into some explanations of the reasons and motives by which he had been governed in his own personal action at several stages of the negotiation, and these explanations, as he stated them to be wholly private and unofficial, I do not think it proper or material to repeat. As to the Bay Islands, he thought that the character of their original and peaceful occupation by British subjects was somewhat misapprehended by our government: and he was perhaps, not quite explicit here:—but he concluded by emphatically declaring that we did not seem to be aware of the immense change which had taken place in their public opinion and their policy as respects Colonial establishments: and that, while Great Britain could not submit to be pushed out of a place she actually occupied, he would not give three coppers to retain any post on the Central American territory or coast from which she could honorably retire.

He appeared struck, almost to approving, by the suggestions as to arbitrating *the facts* referred to in the despatch, independently of the mere literal construction of the Treaty; and recurred to a letter he had received from Mr. Crampton, as long ago as January 1855, reporting a conversation with the President, and subsequently a conversation with you, in which that idea, broached by Mr. Crampton, was at least entertained by both the President and yourself. Such a course might disentangle the dispute, and leave the whole matter arrangeable by farther negotiation. He saw nothing beyond the reach of frank and friendly negotiation. But, he closed by adding, the whole despatch was so important and interesting that I must be aware he could say nothing definitive without first consulting with his colleagues in the Government.

The impressions made upon my mind by all that was said by Lord Clarendon, during this part of our conference, are strong that a real disposition exists to close all controversy about the Treaty and Central America; if it

can be done without seeming to be coerced, and compatibly with what are esteemed to be the obligations of honor on the score of the Protectorate. To be sure, this is pretty much the conclusion heretofore attained: But, in listening favorably to the projet of resolving contested facts by arbitration as a means of facilitating the interpretation of the Treaty, and in assenting to the probability that, after such an arbitration there would be increased hopes of adjustment by negotiation; also in the emphasis with which he disclaimed holding as at all valuable to this government, any post territorial or insular, in Central America, in connection with the assertion of a change in their Colonial policy:—I think I perceive a relaxation in the sternness with which his positions were heretofore occupied, and a readiness to suggest, by and by, or to accept when suggested, what may enable them to surmount the only existing obstacles to arrangement. Indeed, I was agreeably surprized though I forebore to manifest it, at the apparent warmth of welcome given to your paper, and augur beneficial results.<sup>1</sup>

3073

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

No. 16

LONDON, June 20, 1856.

DEAR SIR: Since my last of the 13<sup>th</sup> instant,<sup>3</sup> very great excitement and solicitude prevailed as to the manner in which your Nos 13 and 14<sup>4</sup> would be received by the British Government, and the course they might think it proper to pursue.

On the afternoon of the 13<sup>th</sup>, notices of motions connected with our relations were given in the House of Commons, and especially by Lord John Russell, who accompanied his by a few remarks of an impressive character.

I now with much pleasure call your attention to the debate, if that may

<sup>1</sup> The portion omitted here relates to that part of the above-mentioned interview which related to discussions on the British recruitment question, the addition to the British naval armament on North American stations for the purpose of preventing Nicaragua from taking possession of the Wa

agent of the Accessory Transit Company, the owners of the "Orizaba," had asked his interference and that the captain of that boat had also requested him to come on board and put questions to the passengers as to their destination, because of a rumor that there were filibusters on board whose intention was to join Walker's expedition. Upon examination the British captain found that the majority of the passengers had through tickets to California, and they were allowed to proceed on their journey, with but little delay.

<sup>3</sup> Despatches, Great Britain, vol. 69. Received July 5. <sup>4</sup> Above, this part, doc. 2765. <sup>5</sup> No. 13, May 24, 1856, from the Secretary of State to Dallas, is above, this volume, doc. 2765. No. 14 is not pertinent to this publication.

be called—debate—wherein all agreed, that took place on the 16<sup>th</sup> instant in both Houses of Parliament. It is accurately reported in the Morning Post of the 17<sup>th</sup>. The declarations of Lord Palmerston as to the light in which your Nos 13 and 14 are regarded have particular interest. They put an end to all controversy about Mr. Crampton and his measures to recruit for the British Foreign Legion. They retain undisturbed the diplomatic intercourse of the two countries: and they inspire a hope that we can enter with restored feelings of mutual amity, upon a plan of adjustment in respect to Central America, by which the grave difficulties of that subject may be surmounted.

Lord Derby, to be sure, in the House of Lords, relaxes nothing of the hold against the Administration, which he derived from their culpable origination and mismanagement of the recruitment scheme; and Mr. Disraeli in the Commons, branching into views on annexation and American policy generally of much interest and importance, is resolved to keep the Ministry responsible for their continued and unnecessary, and finally mortifying, quarrels with us. The theme is now, however, withdrawn from international, and restricted to the area of domestic and party, discussion.

The sudden change thus introduced in the condition of things must lead to opportunities which, in the interests of peace, ought to be mutually improved; and you need not be surprized if, as soon as a somewhat natural sense of wounded self esteem has yielded to reflection, the British Government and People exhibit an entire and cordial readiness to cultivate kinder and closer relations with the United States. The revulsion from irritated and angry feeling to friendly confidence cannot, I think, fail to be accompanied by corresponding acts. It is due to the President and yourself to say that so auspicious an aspect in our public relations is exclusively, and by almost unanimous opinion, ascribed to the equally able, firm, and conciliatory despatches last sent to be laid before Lord Clarendon. These papers disarmed the spirit of controversy, and made renewed amity, at a threatening crisis, compatible with the most jealous sense, on both sides, of national dignity and honor. Excuse me for adding that had their effect been other than it has been, the representative of the United States was prepared, notwithstanding his personal gratitude for unmeasured hospitality and kindness, to quit England instantly on the slightest intimation that, owing to Mr. Crampton's dismissal, his presence here had become unwelcome.

Until the Ministry have passed through the Parliamentary Ordeal now in activity, founded upon their course of American measures, and until I receive the replies, which Lord Clarendon, in his answer to Lord Derby, stated to be "not yet prepared, to your Nos 13 and 14['']", it might be esteemed rather precipitate to seek to enter upon the Central American difficulty with a view to its adjustment by negotiation. Such an adjustment, without arbitration, Lord Clarendon's language and manner, at my interview with

him on the 11<sup>th</sup> instant, described in despatch N<sup>o</sup> 15,<sup>1</sup> have led me to consider far from impracticable. I hope to find him unchanged in this respect; and it will be my first aim to obtain, if possible, from his Lordship, the views of Her Majesty's Government as to the mode by which in their opinion, so happy a close to the controversy may be reached. Should it turn out that arbitration is discovered to be an indispensable preliminary, as a means of adjustment, the statement of the points and terms of arbitration, will of course exact great care and precision, so that they may conform to the rules and instructions contained in your N<sup>o</sup> 13. and in your confidential letter of the 27<sup>th</sup> May, 1856.<sup>2</sup> And permit me to suggest that, in order to justify my acting promptly in respect to any proposition which may be suddenly made as to the choice of one or more arbitrators, it would be expedient that you should apprise me as soon as possible, of the President's preferences. May it not be most prudent to have one arbitrator selected by each party, provided he be not objected to by the other party: and the two thus chosen authorised, should their judgments differ, *to agree* upon an umpire.<sup>3</sup>

3074

*Lord Clarendon, British Secretary of State for Foreign Affairs, to George M. Dallas, United States Minister to Great Britain*<sup>4</sup>

FOREIGN OFFICE, June 26, 1856.

SIR: The despatch of the Secretary of State of the United States dated the 24<sup>th</sup> ultimo,<sup>5</sup> a copy of which was placed by you in my hands on the 11<sup>th</sup> instant, on the subject of the difference of opinion between the British Government and that of the United States, regarding the construction and effect of the Convention of April 19, 1850, and the subject of Central America generally, has received the attentive consideration of Her Majesty's Government.

Before I proceed to communicate to you the views of her Majesty's Government, in reply to this despatch, I will beg leave to remark, in reference to Mr Marcy's observation that direct communication upon the main subject had for some time ceased between Mr Buchanan and myself, that such communication had ceased because it appeared to Her Majesty's Government that further correspondence was not likely to lead to a settlement of the question at issue. That question turned upon the interpretation of the Treaty of 1850, respecting which Her Majesty's Government learnt for the first time, from Mr Buchanan, that a view had been taken by the present

<sup>1</sup> Above, this part, doc. 3072, June 13, 1856.

<sup>2</sup> Neither of these communications from the Secretary of State is pertinent to this publication.

<sup>3</sup> The remaining part of this document relates chiefly to correspondence in regard to Danish sound dues.

<sup>4</sup> Despatches, Great Britain, vol. 69; enclosure with Dallas to the Secretary of State, No. 17, June 27, 1856, below, this part, doc. 3075.

<sup>5</sup> Above, this volume, pt. 1, doc. 2765.

Government of the United States different from that of the preceding Government. The Treaty arose out of the various projects which had been started for commercial communications across Central America, between the Atlantic and the Pacific, and especially had reference to the scheme of a Ship-canal by the river St John and the Lake Nicaragua. The main object of the Treaty was to provide a security that such lines of commercial communication, through whatever part of Central America they might pass, should be free for the use of all nations, and should not fall under the exclusive control of any Power.

These objects and purposes are clearly explained and stated in the 1<sup>st</sup> Article, which is as follows:—

The Governments of Great Britain and the United States hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said Ship-canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy or fortify, or colonise, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or people for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonising Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same. Nor will Great Britain or the United States take advantage of any intimacy or use any alliance, connection or influence that either may possess with any State or Government through whose territory the said Canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the subjects or citizens of the one, any rights or advantages in regard to commerce or navigation through the said Canal, which shall not be offered on the same terms, to the subjects or citizens of the other.

Her Majesty's Government deemed that the plain and unquestionable interpretation of this Article was, that each Government was prohibited from doing what the words of the Article explicitly declared that neither Government should thereafter do; but that both Governments retained the rights which they had previously enjoyed, where those rights were not expressly limited or abandoned.

With regard especially to the protection which, for a long course of time, the British Government have afforded to the Mosquito Indians, this Article, so far from requiring that protection to cease, acknowledges its existence, and contemplates its continuance, for the Article says that neither party will "make use of any protection which it affords or may afford, to any State or people, for the purposes of erecting or maintaining any fortifications or of occupying, fortifying, or colonising, the countries therein specified". The Treaty therefore does not require existing protection to cease, but only forbids using such protection for certain specified purposes.

I repeatedly informed Mr Buchanan that it was the wish of Her Majesty's Government to withdraw from the Protectorate of Mosquito, provided they could do so with honor, securing adequate provision for the King and the Indians of that country; that Ruatan was a possession of Her Majesty's Crown; and that, as Her Majesty's Government could not consent to abandon the Protectorate of Mosquito, or to give up the Island of Ruatan, merely in pursuance of an interpretation given by the Government of the United States to a Treaty, which interpretation Her Majesty's Government did not admit, the most usual, as well as the most friendly course to pursue, was to refer the meaning of the Treaty to the decision of a third Power.

This offer was made by me to Mr Buchanan by the direction of Her Majesty's Government; it was several times renewed and discussed between us. Mr Crampton ought undoubtedly, according to his instructions, to have communicated to Mr Marcy, at the time when he received it, my despatch of the 10<sup>th</sup> of November,<sup>1</sup> giving an account of my conversations with Mr Buchanan; but his not having done so was of little consequence, as Mr Buchanan had often assured me that everything which had passed between us had been duly reported to his Government. I am therefore at a loss to understand how it happened that the President should as stated by Mr Marcy have been induced only by certain collateral incidents to infer that arbitration by a third Power of the difference between the two Governments in relation to Central America had been proposed by Her Majesty's Government.

A misconception has however taken place, which is to be regretted, on account of the delay which it has occasioned; but this has been rendered comparatively unimportant by the despatch of Mr Marcy, and the course of proceeding which he now proposes for the adoption of the two Governments. Her Majesty's Government being as solicitous as the President to preserve unimpaired the friendly relations of the two countries, are prepared to enter into negotiations on these matters, with a sincere desire to bring them to a speedy and satisfactory conclusion.

Mr Marcy is correct when he states that Great Britain lays no claim to any possessions or territory on the Mosquito Coast, and Her Majesty's Government consider now, as they always have considered, that the future condition of the Mosquito Indians, for which Her Majesty's Government are bound in honor to provide, might be assured by direct negotiation.

It is not contended, and never has been contended that the British Government, consistently with the stipulations of the Treaty of 1850, could in the name of the Mosquito Indians, "take with military force, and hold, San Juan de Nicaragua, or any other point in Central America"; and Her Majesty's Government agree with Mr Marcy that such a proceeding would be irrecon-

<sup>1</sup> See above, this part, p. 636, note 2, and also Crampton's covering note to that document, addressed to the Secretary of State, and dated February 27, 1856, doc. 3060.

cileable with the independence and neutrality of the Isthmus, and would render the Treaty nugatory to the United States; but no such pretension has ever been advanced, and no such proceeding has been contemplated.

With respect to the district of Belize, Her Majesty's Government consider that the only question to be determined as regards Central America, is that of the Boundary between that country and the British possessions; and in the settlement of that question, no insurmountable difficulty need be anticipated.

With respect to Ruatan and the other Bay Islands, these, at different periods, have been held by Great Britain as well as by Spain, and, having been again occupied by British settlers, formal possession was taken of Ruatan in 1839 by Great Britain, which has since been uninterruptedly maintained. The population increased fast, and magistrates were, from time to time, appointed by the Superintendant of Belize until 1852, when these Islands received a regular form of Colonial Government solely for the purpose of their better internal administration; but Great Britain did not thereby acquire any territorial rights that she did not previously possess.

The Government of the United States, however, maintain that, even supposing the Clayton-Bulwer Treaty were only prospective in its operation, these Islands were no part of the British dominions earlier than 1852.

If the differences between the two Governments on this subject cannot be arranged by direct negotiation, there seems no reason why they might not form the matter of a reference to a third Power.

Her Majesty's Government have learned with satisfaction that you are instructed to enter into communication with me in respect to Central America, in order to ascertain, in the first place, whether existing differences cannot be promptly terminated by direct negotiation, and, if they cannot be so settled, then to discuss the conditions of arbitration on those points of difference as to which this method of settlement may be requisite or applicable.

This is the course which Her Majesty's Government have throughout been willing to adopt; and I have accordingly the honor to inform you that I am prepared to enter into the proposed communication, and I trust that our conferences will be conducted in that spirit of cordiality and frankness which, as Mr Marcy justly observes, is dictated by the true interests of Great Britain and the United States.

I have the honor [etc.].



3075

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 17

LONDON, June 27, 1856.

Lord Clarendon, in his letter upon the subject of the Treaty and Central America<sup>2</sup> expresses his readiness to enter into the communication with me proposed by the President: "in order to ascertain whether existing differences cannot be promptly terminated by direct negotiation, and if they cannot be so settled, then to discuss the conditions of arbitration, on those points of difference as to which this method of settlement may be requisite or applicable." I shall of course, therefore, lose no time in entering into this communication, and hope soon to apprise you of its progress and prospects.<sup>3</sup>

3076

*George M. Dallas, United States Minister to Great Britain, to Lord Clarendon, British Secretary of State for Foreign Affairs*<sup>4</sup>

LONDON, June 28, 1856.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, referring to the concluding paragraph of the letter he had the honor to receive from the Earl of Clarendon, Her Majesty's Principal Secretary of State for Foreign Affairs, bearing date the 26<sup>th</sup> of June 1856,<sup>5</sup> has now the honor to request His Lordship to inform him at what time he may be allowed the benefit of an interview.

The Undersigned [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 69. The receipt date was not indicated.

In the omitted portion at the beginning of the despatch Dallas states that he is enclosing two notes from the British Secretary of State for Foreign Affairs to him. Only one of these is pertinent to this publication. It is above, this part, doc. 3074, June 26, 1856.

<sup>2</sup> See footnote immediately above.

<sup>3</sup> The portion omitted here relates to court etiquette.

<sup>4</sup> Despatches, Great Britain, vol. 69; enclosure with Dallas to the Secretary of State, No. 18, July 1, 1856, below, this part, doc. 3077.

<sup>5</sup> Above, this part, doc. 3074.

## 3077

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 18

LONDON, July 1, 1856.

DEAR SIR: Agreeably to the tenor of the two notes which are annexed in copy<sup>2</sup> to this Despatch, I yesterday had my first interview with Lord Clarendon on the subject of Central America.

As your instructions of the 27<sup>th</sup> of May 1856<sup>3</sup> desired me "first to ascertain whether adjustment by negotiation is practicable, and obtain as far as you can the views of Her Majesty's Government as to any mode by which that result can be reached", I determined to confine myself as closely as possible to that object and to seek from Lord Clarendon as frank and full a developement as he might be disposed to give at so early a period of the discussion.

Although it was made quite clear that Lord Clarendon considers an adjustment by negotiation practicable, I do not think that he imparted to me a very exact apprehension of his views as to the manner of attaining it. To be sure, the conference took rather the character of a preface, a preliminary opening, than that of a precise explanation of objects or plans; but there were occasional suggestions made, and there was a pervading tone throughout all Lord Clarendon said, which led me to believe that he either had himself a clue, with which to solve each separate difficulty, and would unfold it, or was prepared to accept with candor any effective proposition.

As our conversation opened, I remarked that *his* mind, having been long and carefully directed to the details of the subject on which we were entering, and his last letter to me, of the 26<sup>th</sup> instant,<sup>4</sup> evincing a strong reliance upon negotiation alone, I felt anxious to possess his views. It struck me that we had better avoid entangling ourselves with the former disputations on the subject, and that, as far as we could justly do so, we should consider ourselves at a fresh point of departure with our backs turned to the past. To this he assented. I added, that for the present at least, if not permanently, it would be well to set aside the conflict as to the interpretation of the Treaty of 19<sup>th</sup> April 1850, on the one hand, and on the other, to forego all reference to the possible resort ultimately of arbitration. Let us see whether, be the construction of the Treaty what it may, we cannot discover satisfactory means of removing the separate points of practical difficulty. Lord Claren-

<sup>1</sup> Despatches, Great Britain, vol. 69. Received July 18.

<sup>2</sup> The first of these two notes is above, this part, June 28, 1856, doc. 3076. The second is not included in this publication, since it merely stated that the British Secretary of State for Foreign Affairs would receive Dallas on June 30.

<sup>3</sup> No instruction of this date was found containing the quoted portion in this paragraph. The last paragraph of instruction No. 13 to him, May 24, 1856, above, this volume, doc. 2765, expresses however the same thought in slightly different wording.

<sup>4</sup> Above, this part, doc. 3074, June 26, 1856.

don deemed this to be the right course; and entered upon a running colloquial explanation of his views.

1. On the Mosquito question. He said, that the British Government entertained an anxious and sincere desire to get rid of the Protectorate, if they could do so with honor:—and having that disposition, it would be really hard if some plan of doing it could not be fixed upon mutually satisfactory.

The projet of Mr. Webster and Mr. Crampton, of April 1852,<sup>1</sup> which Nicaragua had rejected, contained in its first article an arrangement that might probably not be so objectionable at this time:—that was, to *wall in* the Mosquitoes within a prescribed but sufficient range of territory, and to provide some reasonable income or annuity for the King. Their safety from violence could be assured by guarantees.

It would be necessary that this should be effected, not upon the foundation of their assent, for they were to be considered and treated as infant wards, but in a way to satisfy Her Majesty's Government that what was done was for their permanent benefit, and a just equivalent for the protectorate.

These Indians had, some how or other, become the objects of British protection, as long ago as in the time of Charles 2<sup>d</sup>, and what had repeatedly been avowed as an obligation of duty and honor, could not now be abandoned until they were placed, in some manner, out of danger.

In reference to grants of land which may have been made to Englishmen, Americans or others, it would be useless to perplex ourselves with their consideration. That subject might be referred to a Commission.

The Protectorate withdrawn, what was to be *Status* of San Juan? Why not make it a Free City? Could any objection to that arrangement be suggested? Surely the assent of Nicaragua would not be withheld from what could not fail to be of immense advantage to her. The Treaty of 1850 seemed to contemplate its being one of the Free Cities at the two extremities of the Ship Canal. If the Ship Canal Company had altogether abandoned the idea of executing that work, still there must be a highway or transit of some sort there, over which a large commerce would be conducted, and the Treaty would, in spirit at least, apply to it. If we were fortunate enough promptly to settle all the differences between the two countries, connected with the Treaty of 1850, it might be that capitalists would resume their confidence, and the Company be enabled to go on with the Ship Canal, and not think of reducing that great work to a narrow, and merely local accommodation: in which case San Juan would naturally, if not necessarily be one of the Free Cities adverted to in the 4<sup>th</sup> Article of the Treaty.

If the Company gave up the Ship Canal, then we must determine upon one or the other of the proposed routes of interoceanic communication. Mr. Brown (the member of Parliament from Liverpool) had spoken to him about the Railway through the State of Honduras, from Porto Caballo [same as

<sup>1</sup> It was dated April 30, 1852, and is above, vol. iv, p. 18, note 4.

Puerto Cortés] to the Bay of Fonseca; and there was the Darien Canal intended to unite the two oceans, in part by the Atrato River. As to this last mentioned project, he had been consulted by Mr. Kelly on the expediency of a joint commission of Government Engineers to verify explorations and surveys: but he had thought it best to abstain from making the proposition to the United States Government lest it might be misinterpreted, and add to already existing complications. He thought however that it might be wise to adopt the course suggested.

He repeatedly said on this matter of the Mosquito Protectorate, that there was no room to doubt our being able to dispose of it without arbitration. What indeed was there in it to arbitrate? The *locus in quo* of the Indians? The extent of the Mosquito Coast? Neither was necessary to the close of the business.

2. Lord Clarendon then asked: What have you to say about Ruatan and the Bay Islands?

I hope, was my reply, that you will make up your minds to let them go back to Honduras.

He said it was a hard thing to hand over three thousand of one's fellow subjects to such a government as Honduras.

Why so? I put in:—you dont change their homes, their pursuits, their properties, or their rights:—they are very distant from England:—probably two thirds of them are wholly indifferent “which King, Bezonian”.

But why, he asked, are the United States so much concerned about these Islands?

Simply, I answered, because they are of a character and in a position which, if they remained in the hands of a great naval and maritime power, might be converted into the means of completely overawing the independence of the Central American States, and of controuling the whole commerce passing through the Ship Canal, or over any other transit.

Well, he said, the disposal of these Islands is a fit and fair subject for negotiation.

I remarked that there was now in London an official representative or minister from Honduras, whom I presume you have seen?

He said, yes, he had seen him two or three days ago.

There is, I believe, also here a representative from Nicaragua.

That, he observed, he was not aware of: what is his name?

Mr. Alvarado. Of his powers and objects I cannot pretend to speak. His language, which is Spanish, is very partially understood by me, and I have not been able to converse with him.

He concluded this branch of our conversation by saying, that the presence in London of these two gentlemen Messrs. Herran and Alvarado might possibly facilitate our mutual object of adjustment.

3. Lord Clarendon, after a reflecting pause, expressed his belief that there

was no other matter on which a comment was necessary. I reminded him of the extension of the Belize settlement, from the Sibun to the Sarstoon, which we considered at variance with Treaty stipulations. He really could not see what we had to do with that. It was an affair between England and Honduras. The Belize was now exactly what it was at the formation of the Treaty. He hoped that we would not, even in appearance, be ingenious to make difficulties.

I observed that the Treaty aimed at putting the two Nations, in relation to the Isthmus on a footing of equality as far as circumstances would permit. We had no possessions in those regions, and we were bound to acquire none. Of course it was important to us that British authority and possession should be restricted to their rightful limits.

He did not regard it as a matter with which we ought to interfere, and he hoped we would not.

It was however necessary for him to hasten to the House of Lords. We had had a good preliminary conference, and he trusted that we should often meet until something definitive was reached.

As I took care to record the features of this interview with Lord Clarendon last night before anything was allowed to weaken my recollection of them, so I now deem it best to exclude all other topics from the despatch.

The Steamer Fulton which leaves Southampton tomorrow morning, altho' not remarkable for speed, may yet enable you to receive this a day or two in advance of the arrival of next Saturdays boat.

It is very desirable that I should receive from you, at as early a day as possible the "more full and precise instructions for your (my) direction in this complicated affair", promised at the close of your confidential letter of the 27<sup>th</sup> May 1856.<sup>1</sup>

I have the honor [etc.].

3078

*George M. Dallas, United States Minister to Great Britain, to Lord Clarendon, British Secretary of State for Foreign Affairs*<sup>2</sup>

LONDON, July 7, 1856.

MY LORD: In discussing the several points of practical difficulty in relation to Central America, for the purpose of ascertaining whether existing differences cannot be promptly terminated by direct negotiation, we have considered in connection with the project for ending the protectorship of Mosquito, the idea of having San Juan de Nicaragua constituted a free Port.

Referring to this topic, I must beg your Lordship to do me the honor to recall the contents of two verbal notes which passed between Mr Crampton

<sup>1</sup> Not found in the archives of the Department of State.

<sup>2</sup> Despatches, Great Britain, vol. 69; enclosure with Dallas to the Secretary of State, No. 19, July 11, 1856, below, this part, doc. 3079.

and Mr Marcy in the month of May of last year.<sup>1</sup> The note from Mr. Marcy states distinctly the objections entertained by the Government of the United States to the proposal in question:—and I would seriously apprehend that, unless these objections can at least in a measure be removed, the plan, even as a subordinate feature of a general scheme of adjustment, would not receive the President's sanction.

Entertaining great confidence in your Lordship's disposition to surmount the obstacles to arrangement I am led to hope that either by an abandonment of the proposal to make San Juan a Free City, or by such modifications of that proposal as may render it less liable to the objections urged by Mr Marcy in his note of 9-May 1855, the Mosquito question will yet be divested of its complicated character.

Intending to seek the honor of an interview with your Lordship at 3 o'clock. p.m. tomorrow the 8 July 1856, if that hour be entirely convenient and renewing the assurances of my most distinguished consideration.

I am [etc.].

## 3079

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 19

LONDON, July 11, 1856.

The statement of Captain Tarleton of the "Furydice", made to the Admiralty here, of his motives and conduct in interfering with the American passenger ship the "Orizaba", at the Port of San Juan del Norte, was transmitted to you in my Despatch N° 15.<sup>3</sup> It produced upon my mind the same effect, as appears by your N° 20,<sup>4</sup> to have been produced upon yours by the shorter though similar representation, addressed to the Secretary of the Navy, Mr. Dobbin, by Commander E. G. Tilton, of the United States Ship Saratoga, a copy of which you have forwarded to me. I determined in consequence not to press the matter farther upon Lord Clarendon, unless you deemed it necessary to do so. Captain Tarleton enjoys here a high character for discretion and intelligence. His personal feelings are any-

<sup>1</sup> For British Minister Crampton's "verbal note" to Secretary Marcy, dated April 25, instead of May, 1855, see above, this part, doc. 3039; and for the reply, see above, this volume, pt. 1, doc. 2753, May 9, 1855.

<sup>2</sup> Despatches, Great Britain, vol. 69. The receipt date was not indicated.

In the omitted portion at the beginning of the document Dallas acknowledges the receipt of several instructions, none of which is pertinent to this publication, with the exception of the one marked "unofficial" dated June 16, 1856, which is above, this volume, pt. 1, doc. 2766.

<sup>3</sup> The statement of the British captain is not included in this publication, but regarding it, see above, this part, p. 656, note 1 to Dallas's despatch No. 15, dated June 13, 1856, doc. 3072.

<sup>4</sup> This instruction, and its enclosure mentioned below in this despatch, are not included in this publication.

thing but hostile to our Government and People. He cherishes, as an honorable testimonial, a gold medal presented to him by Congress for his gallantry and humanity in rescuing the crew of the United States Brig Somers. His personal deportment, on the occasion at San Juan, was of a nature which even Captain Tinklepaugh<sup>1</sup> did not, in his protest, censure or impeach. There were, as Lord Clarendon assured me, and as he showed by a copy from the Admiralty books, no orders which could justify a British Naval Officer on that station in any interference with our vessels under the circumstances of the "Orizaba". To persevere in making a serious complaint about the transaction, would, as it appeared to me, be unjust; exhibit a disposition to exaggerate and pervert acts performed without intentional discourtesy, and even anxiously invited by our own citizens: and, in the end, could not possibly lead to more than having the sensibilities of a brave seaman, to whose merits we had ourselves given evidence, wounded by an official admonition. At the first aspect of the case, it seemed to call for prompt and decisive treatment: not because Captain Tinklepaugh had been the object of rudeness or menace; nor because he had actually in any manner suffered, for he pretended neither; but because we did not know, at that excitable and critical moment, how far the proceeding was a symptom of designed provocation, or the result of secret naval orders injurious to the independence and honor of our flag. Modified and explained as the facts have been, and agreeing with you that the letter of Commander Tilton "removes all ground of serious complaint", I am under a strong impression that my best course is to let the matter rest where it is; and will do so, unless instructed otherwise.

In my last despatch N<sup>o</sup> 18, of the 1<sup>st</sup> of July 1856,<sup>2</sup> you have the narrative of what occurred at my interview with Lord Clarendon, on opening the negotiation for the settlement, if possible, of the differences existing between the two governments respecting the Treaty of 1850, and Central America generally.

I now proceed to communicate what has subsequently taken place in connection with that important matter.

The regular progress of the discussion threatened to be suspended by what was said in the House of Commons on the 3<sup>d</sup> of July. *Mr. H. Baillie* inquired whether "Mr. Dallas had represented to the Government that he had full powers to settle the Central American Question, or whether he had any other powers than such as had been entrusted to his predecessor?"<sup>3</sup> *Lord Palmerston* replied that the Government understood that Mr. Dallas had full powers to discuss with them the questions connected with the affairs of Central America, and therefore he had powers which Mr. Buchanan had not."

As I had no powers other than those involved in my letter of credence, or

<sup>1</sup> Captain of the *Orizaba*.

<sup>2</sup> Above, this part, doc. 3077.

<sup>3</sup> The closing quotation mark was omitted here, as was also the beginning quotation mark before "that" after the word "replied" in the sentence which immediately follows in this paragraph.

those specially conferred in the concluding paragraph of your N° 13,<sup>1</sup> which I had read to, and left in the hands of Lord Clarendon on the 11<sup>th</sup> of June, and which had been printed and laid upon the tables of the Houses of Parliament:—and as I had noticed in the newspapers, and in the allusions of public debates, that these powers were variously construed: I thought it prudent to seize the opportunity offered by the publication in the Times of the 4<sup>th</sup> of July, to avoid as much of future difficulty as possible by an explicit understanding upon the subject. Accordingly I apprized Lord Clarendon, by note that morning, that I would wait upon him at the Foreign Office the next day.

On Saturday, the 5<sup>th</sup> July, at 2 o'clock, I found him prepared to receive me. As he had mentioned that the Cabinet would meet at 3 o'clock, I drew his attention at once to three slips cut from as many of the morning journals, purporting to report the short dialogue between Mr. Baillie and Lord Palmerston, which, though slightly different, were substantially to the same effect. He said the reports of the Times were generally the most reliable: and that, had Mr. Baillie's question been put to him, he could have given no better answer than that of Lord Palmerston. He understood my powers to be *powers to discuss*, with a view first to ascertain whether negotiation could effect an adjustment, and if not then to arrange the conditions and terms of an arbitration within the limits and on the points distinctly set forth in your despatch to me N° 13. As far as arbitration was concerned my powers differed from those of Mr. Buchanan.

I told him that my interpretation of your instructions was exactly that of Lord Palmerston and himself. As applicable to the differences on Central America my powers were limited to discussion. I could definitively bind my government to nothing. If we could devise a practicable and promising programme of settlement, it would be reported to you, and must abide your adoption, modification or rejection:—if no such plan could be framed, then, if the subject matter of disagreement fell within the provisions of your letter N° 13, arbitration might be arranged in the same manner. I begged him clearly to understand that I had no powers on the Central American questions which I had not frankly exhibited:—and I added that as the Cabinet was about to assemble, he had better bring the matter before his colleagues, so that if any one of them conceived it to be expedient and proper that I should have larger or other powers, they might be written for without delay.

Our conversation on this topic lasted until near three o'clock, and Lord Palmerston was announced as in the adjoining room. We have not recurred to it since;—and I take it for granted that no farther explanation is necessary. On rising to go I was detained a few minutes by Lord Clarendon's remarking that as to the projet of making San Juan a Free City, reserving to Nicaragua her right to have a Custom-House a short distance up the River, he hoped we should not differ. I replied that I thought we should not; and

<sup>1</sup> Above, this volume, pt. 1, doc. 2765, May 24, 1856.



I went on to say that as a feature in a complete scheme of settlement, I saw no insurmountable obstacle in obtaining the adoption by Nicaragua, in her policy and measures respecting the Mosquito Indians, of the principles and practice of the United States in their relations with Indians within their jurisdiction: that they could be assigned a limited district of country for their occupancy, as we had done West of the Mississippi, with our Florida Indians, and in other cases: that their security from violence could be made reasonably certain: that as to their liability to be overreached or defrauded in purchases of their lands, that also we had a mode of checking; and that the objects we had discussed, once effected, there would be an end to the Protectorate in a manner perfectly compatible with the honor of England. He thought so too; and the size or extent of the district could be easily determined, leaving the rest of the territory to Nicaragua, instead of contracting her front upon the Caribbean Sea to the narrow strip heretofore marked out.

Since this last described conference with the Earl of Clarendon, on the 5<sup>th</sup> of July, I have thought it would be expedient to give to our discussions, if possible, on each principal subject as it arose, the precision and distinctness, as well as permanency, of written propositions. It appeared to me that we might otherwise incur the risks incident to mere dialogue and differing recollections, and be perpetually travelling over the same points slightly altered. On the purpose now undergoing consideration, that of how best to terminate the Protectorate, I sketched a *pro forma* statement of what seemed to me attainable and least objectionable; and in order to pave the way for submitting it to Lord Clarendon, as a sort of chart, I addressed to him a note, dated the 7<sup>th</sup> instant,<sup>1</sup> a copy of which accompanies this despatch, requesting his attention, in connection with the proposal of making San Juan a Free City, to the informal notes which passed between yourself and Mr. Crampton in the month of May 1855; and expressing an intention to call on him the following day. This *pro forma* statement was designed to cover the difficulties heretofore encountered, and to remove, if not wholly, at least partially, your objections: to propitiate a more favorable disposition in Nicaragua by contracting the Territory set apart for the Indians, by recognizing her eminent domain in the whole, by taking her own plan (in the Hise Treaty) of constituting San Juan a Free City and by incorporating the suggestions made by Mr. Marcoleta in 1851. Of course it is imperfect, incomplete, and amendable, but I trust it may be useful. I send you a copy of it.<sup>2</sup>

<sup>1</sup> Above, this part, doc. 3078.

<sup>2</sup> It follows:

*Pro forma:—as to the Protectorate*

1. Demarcation of a District for the Mosquito Indians. Beginning at a point of the main land on the shore of the Caribbean Sea, in the 12° parallel of North latitude and 83°46' West longitude:—running thence due west to the meridian of 84° 15' west longitude from Greenwich: thence due North on the said meridian to the River Wanx: thence down the southern and eastern shore of the said River to the Caribbean Sea: and thence southerly along the shore of the said sea to the place of beginning.

At the next conference with Lord Clarendon, which I failed in obtaining earlier than the 9<sup>th</sup> instant, there were two other topics to which his attention was kindly given me before that of the Protectorate was resumed.

I have already mentioned his reception of your message respecting the fancied alliance with the Shah of Persia.

After stating that I was aware of the repeated efforts made by Mr. Buchanan during the year 1855, to obtain a Consular Convention with the British Government, through which deserters from the merchant vessels of the two countries might be lawfully arrested and returned to their respective services, I told him that numerous letters had come to me recently on that subject, and that my desire was to ascertain whether another attempt to attain that important practical improvement in the condition of our relations, could be encouraged by a fairer prospect. He replied that he cordially agreed and cooperated with Mr. Buchanan: that serious evils, attributable solely to the absence of such a Convention, were daily causes of complaint and annoyance: that he had contested the matter "*with the lawyers*" over and over again, but they made out such a long and plausible list of difficulties that he was obliged to give way: that if we made up our minds to

2. The disputed boundary between Nicaragua and Costa Rica to be adjusted by a Commission, on a principle of an equal division of the disputed territory.

3. The River San Juan and the town of San Juan, recognized as within the limits and sovereignty of the State of Nicaragua, together with all that has heretofore been loosely called Mosquitia lying south and east of the River Wanx.

*Subject*.—1. As to the district assigned to the Mosquito Indians to their rights in the soil, and to the other limitations herein expressed.

2. as to the River and Town of San Juan to the conditions next stated.

4. Costa Rica to retain for her people the freedom of navigation up and down the River San Juan from its mouth to the mouth of the Serapiqui River, with liberty to enter and quit the port with their vessels, and to store their cargoes.

5. Nicaragua to constitute and declare San Juan a Free City, whose inhabitants shall enjoy the following rights and immunities.

1. to govern themselves by means of their own municipal government to be administered by legislative, executive, and judicial officers of their own election, according to their own regulations.

2. to have the right of trial by Jury in their own Courts.

3. perfect freedom of religious belief and worship, public and private.

4. exemption from all taxation on real estate or other property, except such as may be imposed by their municipality, and collected for the City Treasury, to be used and applied for the benefit of the said City.

5. exemption from military service except for the defence of the city.

Always reserving the dominion and government of the State of Nicaragua, not however to be exercised in any manner in violation of the rights and immunities thus specified.

6. Nicaragua to enter into positive Treaty stipulations with each of the two governments.

1. to respect the rights of the Mosquito Indians in the soil of the District assigned for their occupation, and to protect them from invasion or violence.

2. to provide by legal enactments against purchases of their lands unless first submitted to and approved by the Authorities of the State.

3. to annex as a condition of the Grant of Freedom to the City of San Juan a condition that her municipality shall, as soon as organized, pass laws or ordinances levying by tax or duty on imports, a reasonable sum applicable as an indemnity and annuity for a limited period to the Mosquito Indians.

7. This scheme advisory and recommendatory to Nicaragua and Costa Rica, whose earliest possible attention to it is invoked by both Governments.

acquiesce in the terms of their merchant's act respecting foreign deserters, (among which terms was the exemption of a seaman who was a *slave* from arrest), an assurance to that effect from me, would enable him at once to obtain an Order of Council giving us the full benefit of that Act, and so accomplish the purpose in spite of the lawyers, and without the necessity of legislation:—but without this he could not at present hold out the least hope that any renewed effort would succeed. Of course the matter then dropped.

We next entered upon the Mosquito business, and I enquired whether he had been able to turn his mind to the "verbal notes" which had passed between you and Mr. Crampton in May 1855, as to constituting San Juan a Free City? He regretted that your former views should be referred to, as circumstances had greatly changed. I explained my object to be to avoid, if we could, the obstacles which you had enumerated; that I should entertain very little expectation of obtaining your adoption of any scheme in direct conflict with your expressed opinions; that I had drafted a *pro forma* project, in reference to the leading points of the Mosquito question, which attained the substance of what he desired, but in a manner which might possibly be regarded with greater favor than anything heretofore proposed, by Nicaragua, by you, by Costa Rica, and indeed by all interested in the settlement of the controversy. I then read the paper to which I have referred, and commented as I proceeded, on each paragraph, to convey the reasons on which it was founded.

I must confess that I anticipated some animated protest against a plan which put forward in such strong relief the recognition of the sovereignty of Nicaragua as to Mosquitia and San Juan. The mode of making the Free City seemed however to attract particular, and I think favorable notice:—and no such protest was uttered. Lord Clarendon, it is true, observed that as the guarantee of the safety of the Indians was designed to be accomplished through separate Treaties, perhaps a difficulty would arise from the fact that altho' we had recognized the existing government of Nicaragua, they had *not*, and probably would not, until better assured of its character and permanency. He said too that governments *de facto* might sometimes be immediately recognized by those who were sufficiently near to them to form a prompt estimate of their foundation and durability; and he instanced the overthrow of Charles 10<sup>th</sup>, and the early action of the British Government in favor of what lasted at least eighteen years; while governments at a distance would take longer to reflect. He was under the impression that Walker was just now in extreme difficulties, and might be forced to fly. I remarked that the projet was independent of Walker: that it was meant for the State of Nicaragua, whoever might be its Chief Executive or controuling Officer:—that whether Walker remained or not was only material to it in one light, that is if he remained to influence public affairs in Nicaragua, he might be reasonably expected to listen favorably to the advice and recommendation of

the Government of the United States by whom the new order of things in Nicaragua had been first recognized. The Earl left on my mind an impression that he was not prepared to advance any solid objection, but rather looked upon the scheme, as far as it went, to be fair and plausible. He closed our conversation, however, by saying that I would leave the paper with him, and he would probably put his own ideas in relation to it also in writing. This was, of course, exactly what I wished, to enable me to form a better opinion of the chance of accomplishing a settlement by negotiation, as well as of transmitting to you the views of this Government in a precise form on the manner in which the Protectorate may be got rid of. I pressed upon him the advantages which I conceived might result from the President being early placed in possession of his views.

The Bay Islands have thus far not occupied us. Mr. Herran has been in treaty with Lord Clarendon about their "*devolution*" to Honduras upon conditions and stipulations to which we can take no exception. As this restitution is the only possible manner in which they can cease to be a *sine qua non* impediment to our negotiation, I await the result patiently but watchfully and anxiously. The newspapers, even the Times, regard their restoration to Honduras as required by justice and compatible with British honor. Nothing has yet made me doubtful of Mr. Herran's success.

Mr. Alvarado, accredited, as he states, by Honduras as Minister to the United States, is very desirous to help on Mr. Herran by executing a Treaty of Amity and Commerce with us. He thinks that the President, if made aware of the terms of such a Treaty, might be inclined to send myself a full power to execute it here: and he has therefore furnished me a draft of the proposed instrument. It is, word for word the Treaty made by Mr. Squier, on the 3<sup>d</sup> of Sept'r 1849, with Nicaragua, (which you will find in the Parliamentary Blue Book on Central America, page 73) only applied to Honduras, omitting the 25<sup>th</sup> article and the clause numbered 2. in the 36<sup>th</sup> article; but adding two "*supplementary articles*", a copy of which is annexed to this despatch.<sup>1</sup> I have nothing to say on this subject;—quite sure that the President and yourself are the best judges whether or not to entrust me with

<sup>1</sup> These two articles immediately follow the note below, from Alvarado to Dallas, in which they were enclosed:

*L. Alvarado, designated Honduran Minister to the United States, to George M. Dallas, United States Minister to Great Britain*

[TRANSLATION]

LONDON, July 10, 1856.

SIR: The undersigned, in conformity with the reply which Y.E. gave verbally at his communication of 1st instant [Not found —Ed.] has the honour to propose the enclosed bases for a treaty between the United States and Honduras.

They are the same which the United States have adopted in its treaties with the different republics of America, as Y. E. will observe; and there are not alterations except by the addition of the supplementary article which is proposed with the view of opening and protecting interoceanic communication through Honduras.

the full power, in order to have, as far as the circumstances will permit, the general settlement of these Central American affairs executed simultaneously, and, as it were, "*uno actu*".

I am afraid to add another word to a despatch already illegibly long.

With great respect [etc.].

3080

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 20

LONDON, July 22, 1856.

Since my despatch N° 19,<sup>2</sup> I have had no formal interview with Lord Clarendon on the Central American topic. I presumed that after

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Should the proposed treaty as it stands meet the approbation of Y. E. the undersigned is ready to subscribe it on the part of Honduras.—

Your obedient Servant.

#### SUPPLEMENTARY ARTICLES

Inasmuch as a contract was entered into by the Government of Honduras and a company entitled the "Honduras Inter-oceanic Railway Company," for the purpose of constructing a Railway from the Atlantic to the Pacific oceans through the territories of Honduras, which contract was ratified by the constitutional powers of the state, and proclaimed as a law on the 28<sup>th</sup> day of April 1854; and since by, the terms of article 5 section VI of said contract "the government of Honduras, with the view to secure the route herein contemplated from all interruption and disturbance from any cause, or under any circumstances, engage to open negotiations with the various governments with which [they?] may have relations, for their separate recognition of the perpetual neutrality, and for the protection of the "aforesaid route"; therefore, to carry out the obligations this [thus?] incurred,

1. The Government of Honduras agrees that the right of way a transit over such route or road, or any other that may [be?] constructed from sea to sea, shall be at all times open and free to the Governments and subjects of the United States for all lawful purposes, and no tolls duties or charges of any kind shall be imposed on the transit of property belonging to the Government of the United States or on the public mails sent under authority of the same and all lawful produce, manufactures, merchandise, or other property belonging to subjects of the United States passing from one ocean to the other in either direction, shall not be subject to any import or export duties whatever, and shall be secure and protected from all interruption or detention on the part of the state, and finally, as an evidence of its disposition to accord to the travel and commerce of the world all the advantages resulting from its position in respect to the two great oceans, Honduras of her own good will engages to establish the ports at the extremities of the contemplated road, as free ports, for all the purposes of commerce and trade.—

2. In consideration of these concessions, in order to secure the construction and permanence of the route or road herein contemplated and also to secure for the benefit of mankind, the Government of the United States recognises the rights of sovereignty and property of Honduras in and over the line of said road, and for the same reason guarantees positively and efficaciously, the entire neutrality of the same, so long as the United States shall enjoy the privileges conceded to it in the preceding section of this article; and when the proposed road shall have been completed the Government of the United States equally engages in conjunction of that the Honduras [sic] to protect the same from interruption, or unjust confiscation from whatever quarter the attempt may proceed.

<sup>1</sup> Despatches, Great Britain, vol. 69. Received August 5.

The omitted portion at the beginning of the despatch relates to a claim case and other matters not pertinent to this publication.

<sup>2</sup> Above, this part, doc. 3079, July 11, 1856.

having conferred with his colleagues on the scheme devised for honorably abandoning the Mosquito Protectorate, he would apprise me of his readiness to resume the discussion. Mr. Herran, the Minister from Honduras, went to Paris, remaining away for a week: and it also entered into my conception of the true policy of the negotiation that Mr. Herran should come to some definitive arrangement for the restitution of the Bay Islands, before I again pressed Lord Clarendon on the other points. My desire, however, not to lose too much time, impelled me on the 19<sup>th</sup> instant, to request another conference, and he has appointed to-day at 3 o'clock for our meeting. The copies of these notes are annexed.<sup>1</sup> I shall probably not be able to send you the result by this opportunity. It cannot, however be important, for I shall take care not to get ahead of the disposition of the Island of Ruatan. Mr. Herran returned a few days ago, and has called upon me, to let me know the character of his last interview with the Earl of Clarendon. He is quite confident of obtaining the unconditional restoration of the Bay Islands to Honduras: and, indeed, he stated that having, in conformity with my strenuous inculcation, successfully resisted the proposal to make Ruatan a free port, while he cheerfully embraced the idea of yielding commercial advantages equally to all nations, he was gratified to perceive an acquiescence on the part of the Earl, who finally said that the matter should be brought to a close in the course of the ensuing (the present) week. The Cabinet held a protracted meeting on Saturday, and it is believed were engaged exclusively upon the American questions. I remain without full and precise instructions; but in case prompt action becomes necessary, in order to follow up the restitution of the Bay Islands with appropriate and corresponding conclusions on the Protectorate, I shall have to draw upon the indulgence of the President and yourself if I assume some measure of responsibility beyond the general written directions of your despatch N<sup>o</sup> 13 dated the 24<sup>th</sup> of May 1856.<sup>2</sup>

I have the honor [etc.].

3081

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>3</sup>

[EXTRACTS]

No. 21

LONDON, July 31, 1856.

On the 29<sup>th</sup> instant Parliament was prorogued by the Lord Chancellor and four others, acting as Commissioners, the Queen being at Osborne, in the Isle of Wight. The Speech, read by the Lord Chancellor, as the expression

<sup>1</sup> Not included in this publication.

<sup>2</sup> Above, this volume, pt. 1, doc. 2765.

<sup>3</sup> Despatches, Great Britain, vol. 69. Received August 14.

The omitted portion at the beginning of the despatch relates to the distribution of medals to seamen.

of Her Majesty's sentiments, contains a paragraph hoping that our differences, now under negotiation, in connection with the affairs of Central America may be satisfactorily adjusted. This is very liberally construed as importing the Ministereal as well as Royal conviction, that an entire settlement is not only possible, but at hand. I transmit a printed copy of the Speech,<sup>1</sup> sent to me from the Foreign Office.<sup>2</sup> . . .

The interest of political as well as social life in London ceases almost entirely with the circulation and agitation incident to the session of Parliament. I shall therefore probably have very little to write worthy of your attention for some months, apart from the special discussion engaging Lord Clarendon and myself. In that, every effort will be strenuously exerted, which an extreme anxiety to close it honorably, effectually, and promptly can suggest. I have every reason to believe that the negotiation confided by the State of Honduras to Mr. Herran for the restoration of the Bay Islands, will soon be successfully ended: and having conceded that much, this Government, I cannot but trust, will hasten to the only and great object of that concession, by frankly removing the remaining impediments to a perfect and cordial harmony with us.

I have the honor [etc.].

3082

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>3</sup>

[EXTRACTS]

LONDON, August 8, 1856.

MY DEAR SIR: I have not been successful recently in efforts to continue and ripen the discussion with Lord Clarendon. Three several days have been fixed for conference during the last week, but each has had to give way to some peremptory call elsewhere of his Lordship's. The Queen last commanded him to Osborne, and, unless she released him for to-day, he will fail in his engagement to meet me at the Foreign Office at 3 o'clock. M<sup>r</sup> Herran has been subject to the same delays, and, when he came to see me yesterday, he appeared worried at not having yet received the draft of his convention, which was promised for a week ago. Interruption and procrastination are, we all know, unavoidable incidents of High Official Station.<sup>4</sup> . . .

I have just returned from the Foreign Office and, after a two hour conference with Lord Clarendon have only time to say that every thing connected with the negotiation wears the most promising and satisfactory as-

<sup>1</sup> Not included in this publication.

<sup>2</sup> The omitted portion relates to United States seamen in Calcutta.

<sup>3</sup> Despatches, Great Britain, vol. 69, filed within the despatch from Dallas to the Secretary of State, No. 23, August 12, 1856, below, this part, doc. 3083.

<sup>4</sup> The omitted portion relates chiefly to European political affairs.

pect. He told me, upon being frankly asked how he stood with M<sup>r</sup> Herran, that he thought that matter of the Bay Islands quite settled:—that he would send for M<sup>r</sup> Herran this afternoon:—that he would draft the Convention of restitution without delay:—and, indeed, that there was nothing left to be done, except to agree upon some mode of indemnifying the English Residents. I enquired whether he had kept steadily in view, to avoid any stipulation for peculiar commercial privileges. He replied that he had.

We have, as to the protectorate, one only remaining *snag* to get over, or to get around, and that is the condition of Nicaragua:—and we are both to set our wits to work to remove it if possible.

Very truly Y<sup>rs</sup>.

3083

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

No. 23

LONDON, August 12, 1856.

In my N<sup>o</sup> 20, of the 22<sup>d</sup> ultimo,<sup>2</sup> I apprized you that on that day I was to have another interview with the Earl of Clarendon, on the subject of Central America; and my present purpose is to continue the thread of narrative since then suspended.

His Lordship on the 22<sup>d</sup> of July was obviously oppressed by labors devolved upon the Cabinet at the closing scenes of the Parliamentary Session. He avowed himself to be so, and I expressed an apprehension that he had probably been unable to give his attention to the matter in discussion between us; that is, the most satisfactory way of extinguishing the Mosquito Protectorate. He replied, that he had been engaged in examining my memorandum or sketch, and had made upon the margin of the paper his red ink comments,—(he held it up) but he had not finished with it; as soon as it was completed he would have a fair copy made and sent to me; adding,—not however to transmit to Washington, for it was yet too crude for that, but as a basis for our mutual reflections. Late that evening I received the paper here referred to, with a note from Lord Clarendon expressing a wish that I would “have the goodness to consider the communication private”. To this paper numerous and important modifications were subsequently made by me, and to furnish it would only show one among the many progressive changes of arrangement; while, at the same time, I do not feel, in respect to it, entirely relieved from the injunction of confidence by which its reception was accompanied.

<sup>1</sup> Despatches, Great Britain, vol. 69. The receipt date was not indicated.

The omitted portion at the beginning of the document relates to consular affairs.

<sup>2</sup> Above, this part, doc. 3080.



I enclosed, on the 31<sup>st</sup> of July, to Lord Clarendon a remodelled projet, and informed him that I would seek an interview at the Foreign Office on the following Tuesday. A copy of this plan is sent.<sup>1</sup> He could not meet me

<sup>1</sup> It follows:

*Plan on the Mosquito Protectorate, submitted to Lord Clarendon by George M. Dallas, United States Minister to Great Britain*

Demarcation of a Territory for the Mosquito Indians to be bounded on the North by the River *Herbias Wanx* or *Segovia*, on the South by the river *Escondido* or *Blewfields*, and on the West by a line drawn down the meridian of 84°.15' West Longitude from Greenwich, and extending from the River *Wanx* to the River *Blewfields*. The Western boundary to be fixed and designated by commissioners named by Great Britain and the United States, with the assent of Nicaragua, and if in making the survey there should be discovered any natural boundary within fifteen English miles of the imaginary longitudinal line, on the Western side of such imaginary line, and extending the whole distance from River *Wanx* to the River *Blewfields*, it shall be the duty of the commissioners to report the same and such natural boundary shall be adopted instead of the artificial one.

The Mosquito Indians confining themselves within the prescribed territory, to enjoy the right, by their national Council or Councils, to make and carry into effect all such laws as they may deem necessary for the Government and protection of the persons and property within the same, belonging to their people or to such persons as have connected themselves with them:—their rights of property and of local Government, within the prescribed territory, to be recognized, affirmed, and guaranteed by Nicaragua in treaties to be made between that state and Great Britain and the United States respectively; and Nicaragua, in each of those treaties to stipulate and engage that she will enact laws to prevent the purchase of lands from the Mosquito Indians without official sanction, and the introduction and sale of spirituous liquors among the said Indians:—that she will not molest or otherwise interfere with the said Indians:—but that she will protect them from all inroads, intrusions, or aggressions along their Western frontier.

The Mosquito Indians shall not be able to cede their territory or rights to any other State without the consent of Great Britain and the United States, by each separately expressed: it being, however, understood that nothing shall preclude the conclusion of such voluntary compact and arrangements, between the State of Nicaragua and the Mosquito Indians by which the latter may be definitively incorporated and united with the former, it being stipulated that in such case the said Mosquito Indians shall enjoy the same rights and be liable to the same duties as the other citizens of the said State of Nicaragua.

The rest of the territory to be recognised and declared to be within the limits and Sovereignty of Nicaragua, on the following conditions.

1. Costa Rica is to retain for her People the freedom of navigation up and down the river San Juan from its mouth to the mouth of the Serapiqui River, with liberty to enter and quit the Port, with their vessels and to store their cargoes; and furthermore, Nicaragua is to allow the other territorial disputes between herself and Costa Rica, if the same cannot be amicably adjusted between themselves, to be settled by the arbitration of Great Britain and the United States, who, in any doubtful point, shall be able to call for the decision of a third party.

2. All bona fide grants that have been made by the Government of Mosquitia of lands heretofore possessed by the said Indians and lying beyond the limits of the prescribed territory to be confirmed.

3. Nicaragua to constitute and declare the Port of Greytown or San Juan, a free Port, and the City a free City (though under the sovereign authority of Nicaragua) whose inhabitants shall enjoy the following rights and immunities, viz:

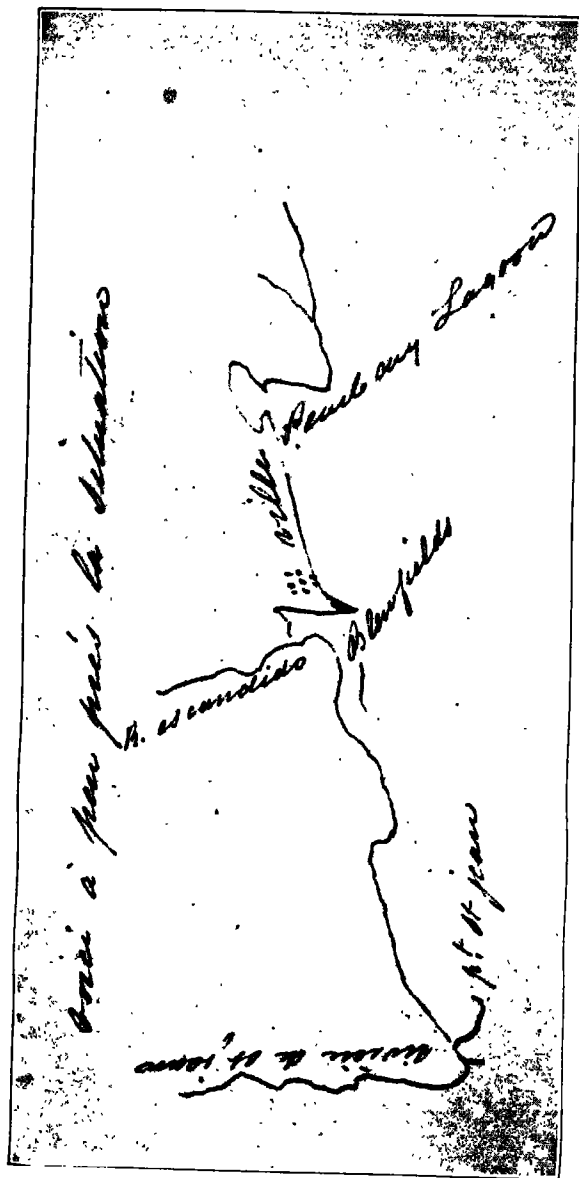
To govern themselves by means of their own municipal government, to be administered by legislative, executive, and judicial officers of their own election, according to their own regulations:

To have the right of trial by jury in their own courts:

To possess perfect freedom of religious belief and worship, public and private: and to enjoy exemption from all taxation on real estate or other property, except such as may be imposed by their own municipality and collected for the City Treasury to be used and applied for the benefit of the said City: and also

To enjoy exemption from military service except for the defence of the City.





Drawing enclosed with note of July 29, 1856, from Victor Herrán to George M. Dallas

on Tuesday nor on Wednesday; but engaged to return from the Isle of Wight, where Her Majesty is residing, by Friday. We met punctually on Friday, and at once entered upon a careful and candid examination of the last paper sent by me.

His Lordship objected to my prescribing the River Escondido or Blewfields as the southern boundary of the District assigned to the Indians. His only reason was that it would cut the Indians off from the village or settlement of Blewfields, to which they were accustomed to resort. I explained my preference for a natural boundary over an artificial invisible parallel of latitude, but disclaimed any desire to deprive the Mosquitos of their town. The plan did not do that, if the information I had obtained was correct. To be sure the masses generally placed Blewfields on the Southern bank of the River:—but as that location unnecessarily exposed it to the easy access of a hostile tribe, the Rama Indians, it had early struck me that there might probably be some error in topographical delineation. I had consulted fruitlessly the books descriptive of that region, and was at last obliged to have enquiry made of a gentleman, Don Francisco de Martin, the diplomatic representative of Guatemala at Paris, who stated that he had been at Blewfields, and knew its position well. The enquiry was made through the agency of Mr. Herran, by whom I had been positively assured that the village lay on the North bank of the River, and on the right of a vessel entering it; and who had sent me a note containing a small graphic pen-drawing showing the local relations. I annex a copy of that note.<sup>1</sup> Lord Clarendon observed that at the Foreign Office, they were all under a strong impression that the village of Blewfields was South of the River; but more thorough investigation should be had: and, after further discussion, we agreed that the boundary this side of the allotted district should be either the River Blewfields or the

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Nicaragua to enter into positive treaty stipulations with each of the two Governments of Great Britain and the United States to annex as a condition of the grant of Freedom to the City of Greytown or San Juan, a condition that her municipality shall, as soon as organised, pass laws and ordinances levying by tax or duty on imports a reasonable sum applicable as an indemnity and annuity, for a limited period to the Mosquito Indians.

This scheme to be proposed to Nicaragua and Costa Rica, the Governments of Great Britain and the United States binding themselves, should Nicaragua or Costa Rica refuse to accept the same not to propose or consent to any other more favorable to the recusant party.

<sup>1</sup> It follows:

*Victor Herrán, Honduran Minister to Great Britain, to George M. Dallas, United States Minister to Great Britain*

[TRANSLATION]

LONDON, July 29, 1856.

I have the honor to forward to you the information which you requested of me as to the location of Bluefields, the houses being at the right, when one goes up the river.

Here is the approximate location. [The drawing is reproduced on the opposite page.—Ed.]

I beg you to accept [etc.].

River Rama, as the site of the town should be ascertained to be on the North or on the South.

His Lordship said it might perhaps be expedient to provide for the creation of a Commission to adjudicate upon grants, heretofore made *bona fide* by the Mosquitos, of lands lying out of the prescribed limits, and that he would draft a provision to that effect.

Giving finally his entire adhesion, to my persevering recognition of the sovereign rights of Nicaragua, and to the necessity of having her assent and cooperation, he remarked that there was nothing in fact now to embarrass an early execution of this scheme except the actual condition of that Republic. It might be doubted whether the United States, by whom the Presidency of Rivas had been recognized, as having sprung from the popular choice, would accept the military usurpation of Walker, which had banished Rivas and his official colleagues. Be that however as it might, this Government had not recognized, and might not recognize for some time yet, the *de facto* authorities of Nicaragua. There was in this a practical obstacle which he had exercised his ingenuity in the effort to surmount. He had consulted Lord Palmerston in the hope of catching from him some available suggestion. As yet he did not see his way out of the difficulty, but he would not give it up, and requested me to consider it.

I said that there certainly was an awkwardness in the situation. The revolutionary disturbance in Nicaragua was a *snag* in the way of our amicable progress:—but we must get round or overleap it as frankly and as well as we can. Our purpose was, by mutual understanding and agreement, to get rid of all the known grounds of disquietude connected with the Treaty of 1850. If the Protectorate, from causes over which we could have no controul, may not be immediately abandoned, still we might in the true spirit of amity, fix the mode by which it should be made to cease as soon as practicable. The certainty of its ceasing, now or soon, would be a great point gained in the relations of our two countries. The scheme contrived is marked by tenderness towards the rights of Nicaragua:—its execution is dependent upon her assent:—that she will be immensely benefited by it, in a vast variety of ways, no man of reflection can seriously question; and I entertained no doubt that sooner or later she could be brought by a just exercise of the influence and persuasions of the United States to its adoption. In the meanwhile our two governments, having settled the principles and measures of their own action, could proceed harmoniously and in cooperation to secure their being ultimately carried out. It might possibly be wise, in order to terminate apprehension or jealousy, that the present protectorate should during that interval only, be converted into a joint one: a proceeding which besides its bearing as a guarantee to each Government of the great Treaty object of Neutrality, could not fail to leave its impression upon those who doubted their firmness or sincerity in the arrangement.

The topic was left with an understanding that each of us would try his hand at moulding a clause by which the impediment springing out of the disturbed state of Nicaragua might be removed.<sup>1</sup> . . .

On Sunday Mr. Herran called to report progress. He brought with him the draft of a Convention between this Government and Honduras which he had received from Lord Clarendon. I read the paper attentively. It covers several objects respecting claims, on both sides, for alleged injuries; and land grants, with which we have no concern, and is therefore longer than I expected to find it. As regards the Bay Islands it was an agreement that they should be constituted and declared, *a Free State under the sovereignty of Honduras*, and the present British residents, if made sufferers by the change were to be indemnified through the agency of a mutually chosen Commission, by the Republic. Although not the "restitution" which in my opinion, would have squared best with the magnanimous policy of a powerful nation dealing with a feeble one, I could discern nothing in it which called for the opposition of the United States, if Honduras was content. But I advised Mr. Herran, on behalf of his own country, to urge upon Lord Clarendon the expediency and justice of contracting his object from a *Free State*, embracing all the five islands, to a *Free City*, that of Port Royal in Ruatan, leaving to Honduras the prospect of realising some small revenue by the sales of lands now wild and uninhabited:—the extent of the Free City, occupied by a population two thirds of whom were blacks and indians, could also be advantageously fixed: and I gave him a written memorandum of my suggestions, so that he might confer upon them with his friends and advisers.

I have just received by the Steamship Niagara your Nos 23 and 24, dated respectively the 26<sup>th</sup> and 28<sup>th</sup> of July;<sup>2</sup> and I am happy to know that, as far as this interesting negotiation on Central American affairs has been conducted to its proximate close by me, "there is no conflict between what I have done, and the President's views".

The instructions you have given are in perfect accord with the conclusions of my own judgment on which I have ventured to proceed; and they augment my confidence that, in a short time, the difficulties which threatened to dissolve the peaceful relations of the United States and Great Britain will be adjusted honorably and satisfactorily.<sup>3</sup>

<sup>1</sup> The omitted portion refers chiefly to the violation of the Treaty of Paris by Russia.

<sup>2</sup> Above, this volume, pt. I, docs. 2767 and 2768.

<sup>3</sup> The remaining part of the document relates to the slave trade.

3084

George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States<sup>1</sup>

[EXTRACT]

No. 24

LONDON, August 15, 1856.

SIR: Finding the Steamship of the 13<sup>th</sup> instant to be that slow and unsatisfactory one, The Herman, from Southampton, I reserved my despatch N<sup>o</sup> 23,<sup>2</sup> for the Niagara, which leaves Liverpool tomorrow:—not doubting that she will overtake the Herman.

I had hoped to be able to communicate by this opportunity the final results attained upon the Central American Question. At the close of my conference with Lord Clarendon yesterday, as it seemed to both of us that we had completed the *projet* providing a mode by which an end could be put to the Mosquito Protectorate acceptable to the honor of England, he undertook to have the whole arrangement reduced to form by Mr. Hammond, and a copy sent me. I presume I shall not receive that paper in time for transmission today; nor indeed am I anxious to hasten its departure for Washington without first giving it a careful reconsideration. It may, I think, be expected at farthest by the Persia of tomorrow week.

Lord Clarendon assured me, in reply to an enquiry, that a Convention had been entirely settled with Mr. Herran; giving in fact the Bay Islands to the World, as a Free State or *Municipality under the Sovereignty of Honduras*. It appeared that the term Free State was in the estimation of Mr. Herran, irreconcilable with the Constitution of the Republic, and it would be changed to any other in greater harmony. The Convention would be drafted and signed without delay. I shall of course obtain and forward a copy as soon as possible.

There is left there of these formidable difficulties, the Belize alone. Lord Clarendon has avoided, since our first interview any allusion to that:—no doubt supposing it would not be regarded as sufficiently important to be pressed upon the British Government, if the other points were adjusted. Still, I consider one object at least respecting the Belize worthy of definite settlement:—its actual extent (exclusive of dependencies) at the time Mr. Clayton and Sir Henry Bulwer agreed that it was not embraced by the Treaty, and beyond which extent it cannot expand by acquisition of, or encroachment upon, Guatemala, consistently with the purpose and terms of that Treaty.<sup>3</sup>

<sup>1</sup> Despatches, Great Britain, vol. 69. The receipt date was not indicated.

<sup>2</sup> Above, this part, doc. 3083, August 12, 1856.

<sup>3</sup> The portion omitted here concerns a claim matter.

3085

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 26

LONDON, August 29, 1856.

In forwarding, as I do now, the draft of the Treaty resulting from the discussions had between Her Majesty's Principal Secretary of State for Foreign Affairs, and myself,<sup>2</sup> during the last two months, I have only to express

<sup>1</sup> Despatches, Great Britain, vol. 70. The receipt date was not indicated.

The omitted portion at the beginning of the despatch relates to the acknowledgment of medals and gifts presented to British seamen by the United States Government.

<sup>2</sup> The above-mentioned draft of a treaty, preceded by a short memorandum signed and sealed by the two negotiators, follows:

## MEMORANDUM

LONDON, August 27, 1856.

The Undersigned, the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at London, and Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, having discussed the various questions at issue between the governments of Great Britain and of the United States relative to Central America, have agreed upon the annexed Draft of a Treaty and Separate Articles, which they are of opinion contain a settlement of those questions fair and honourable to both Parties, and which they accordingly recommend to their respective governments.

G. M. DALLAS.  
CLARENDON.

*Draft of Treaty between Great Britain and the United States of America*

August 25, 1856.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and The United States of America, being desirous to settle in a friendly manner the questions which have come into discussion between them relative to Central America, have resolved to conclude a Treaty for that purpose, and have named as their respective Plenipotentiaries, that is to say:—

Her Majesty The Queen of the United Kingdom of Great Britain and Ireland &c. &c.  
And The President of the United States of America &c. &c.

Who, after having communicated to each other their respective Full Powers, found in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I. Her Britannic Majesty and the United States of America agree jointly to propose to the Republics of Nicaragua and of Costa Rica the arrangements contained in the following Articles.

ARTICLE II. A Territory comprised within the following limits shall be set apart for the Mosquito Indians:

The Boundary Line shall begin at the Mouth of the River Rama in the Carribean Sea, thence it shall run up the midcourse of that River to it's source, and from such source proceed in a line due West to the Meridian of 84° 15' Longitude West from Greenwich; thence due North up the said Meridian until it strikes the River Wanx or Segovia, and down the mid-course of that River to it's Mouth in the Sea at Cape Gracias á Dios; and thence Southerly along the Shore of the Carribean Sea to the Mouth of the River Rama, the point of commencement.

The inland boundary shall be designated and marked out by two Commissioners, to be appointed, one by Her Britannic Majesty, and one by the President of the Republic of Nicaragua.

If, in making the survey for this purpose, there should be discovered any natural boundary within fifteen English Miles of the above mentioned Meridian line, on the Western side of such Meridian line, and extending the whole distance from the River Wanx to the Parallel of the River Rama, it shall be the duty of the Commissioners to report the same; and such natural boundary shall be adopted instead of the Astronomical one.



the confident expectation that it will meet the adoption of the President.

A determination to reach an arrangement which should put an end to differences that have heretofore threatened the friendly relations of the two

ARTICLE III. The Mosquito Indians, confining themselves within the Territory designated by the preceding Article, shall enjoy the right to make, by their National Council or Councils, and to carry into effect, all such Laws as they may deem necessary for the Government and Protection of all Persons within the same, and of all property therein, belonging to their People or to such Persons as have connected themselves with them. Their rights of Property and of local Government within the Territory defined as described in the preceding Article, shall be recognised, affirmed, and guaranteed by the Republic of Nicaragua in Treaties to be made by that State with Great Britain and the United States respectively; and the Republic of Nicaragua in each of those Treaties shall stipulate and engage that it will enact laws to prevent the purchase of lands from the Mosquito Indians, and the introduction and sale of spirituous liquors among the said Indians; and that the Republic will protect them from all inroads, intrusions, or aggressions along their Western frontier.

The Mosquito Indians shall not be able to cede their Territory or Rights to any other State without the consent of Great Britain and the United States, by each separately expressed; it being however understood that nothing shall preclude the conclusion of such voluntary compact and arrangements between the Republic of Nicaragua and the Mosquito Indians, by which the latter may be definitively incorporated and united with the former; but it shall be stipulated, in such case, that the said Mosquito Indians shall enjoy the same rights and be liable to the same duties as the other Citizens of the said Republic of Nicaragua.

ARTICLE IV. The rest of the Territory hitherto claimed as belonging to the Mosquito Indians, South of the River Wanx or Segovia,—West of the line to be drawn Southward from the said River to the Parallel of the River Rama, and South of the said Parallel and of the River Rama, shall be recognized and declared to be within the limits and sovereignty of the Republic of Nicaragua, on the following conditions:

1. The Republic of Costarica shall retain for it's Citizens the freedom of Navigation up and down the River San Juan from it's Mouth to the Mouth of the Serapiqui River, with liberty to enter and quit the Port of San Juan or Grey Town with their Vessels, and to store their Cargoes in that Port.—

2. The Republics of Nicaragua and of Costarica shall allow the territorial disputes between them (if the same cannot be amicably adjusted between themselves) to be settled by the arbitration of Great Britain and the United States of America, who in any doubtful point shall be able to call for the decision of a third Party.

3. All *bond fide* grants that have been made by the Government of Mosquitia of lands heretofore possessed by the said Indians, and lying beyond the limits of the prescribed Territory, shall be confirmed.

4. The Republic of Nicaragua shall constitute and declare the Port of Greytown or San Juan a free Port, and the City a free City (though under the Sovereign Authority of the Republic) whose inhabitants shall enjoy the following rights and immunities:—

- A. The Right to govern themselves by means of their own Municipal Government, to be administered by legislative, executive, and judicial officers of their own election, according to their own regulations.
- B. Trial by Jury in their own Courts.
- C. Perfect freedom of religious belief and of worship, public and private.
- D. Exemption from all duties of Customs, and from all taxation on real estate or other property, except such duties and taxes as may be imposed by their own municipality and may be collected for the City Treasury, to be used and applied for the benefit of the said City.
- E. Exemption from Military Service, except for the defence of the City, and within the bounds of the same.

ARTICLE V. The Republic of Nicaragua shall enter into positive Treaty stipulations with each of the two Governments of Great Britain and of the United States of America, that it will make the grant of freedom to the City of Greytown or San Juan subject to the condition that the Municipality of the said City shall, as soon as organized, pass Laws and Ordinances levying, by tax or duty on imports, some reasonable Sum to be paid half-yearly to the Mosquito Indians by way of Annuity for a limited period, as an indemnity and compensation for their interest in the Territory recognized and declared

countries, and which would leave the Treaty of the 19<sup>th</sup> of April 1850 to operate practically in the spirit and for the purpose of its original formation, has been frankly and steadily manifested throughout the negotiation.

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by the first Clause of Article IV to be within the limits and sovereignty of the Republic of Nicaragua.

ARTICLE VI. Her Britannic Majesty and the Republic of Nicaragua shall, within months after the exchange of the Ratifications of the Treaty to be concluded between them in virtue of the present arrangements, appoint each a Commissioner for the purpose of designating and marking out the inland boundary separating the territory to be set apart for the Mosquito Indians as described in Article II of the present Treaty, from the rest of the Territory of the Republic.

They shall also appoint within the same period each a Commissioner for the purpose of deciding upon the *bona fides* of all grants of land mentioned in §3 of Article IV of the Treaty as having been made by the Government of Mosquitia of lands heretofore possessed by the Mosquito Indians, and lying beyond the limits of the Territory described in Article II.

They shall further appoint within the same period each a Commissioner for the purpose of determining the amount, the period of duration, and the time, place, and mode of payment of the annuity to be paid to the Mosquito Indians according to the stipulations of Article V of the present Treaty.

Her Britannic Majesty and the Republic of Nicaragua shall be at liberty either to name the same person to fulfil the duties of Commissioner for all three, or for any two, of the purposes above described, or to name a separate and distinct person to be Commissioner for each purpose, as they may see fit.

ARTICLE VII. The Commissioners mentioned in the preceding Article shall meet at such place or places as shall be hereafter fixed, at the earliest convenient period after they shall have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn Declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to justice and equity, without fear, favour, or affection to their own Country, upon all the matters referred to them for their decision; and such declaration shall be entered on the record of their proceedings.—

The Commissioners shall then, and before proceeding to any other business, name some third Person, to act as Arbitrator or Umpire in any case or cases in which they may themselves differ in opinion.—Each pair of Commissioners shall separately name the Person so to act as their Arbitrator or Umpire. The Person or Persons so to be chosen shall, before proceeding to act, make and subscribe a solemn Declaration, in a form similar to that which shall already have been made and subscribed by the Commissioners, which Declaration shall also be entered on the record of the proceedings.—In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting, or declining, or ceasing to act as such Arbitrator or Umpire, another person or other persons shall be named as aforesaid to act in his or their place or stead, and shall make and subscribe such Declaration as aforesaid.—

Her Britannic Majesty and the Republic of Nicaragua shall engage to consider the decision of the two Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as final and conclusive on the matters to be respectively referred to their decision, and forthwith to give full effect to the same.

ARTICLE VIII. The Commissioners and the Arbitrators or Umpires shall keep accurate records and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ such Clerk or Clerks or other Persons as they shall find necessary to assist them in the transaction of the business which may come before them.

The Salaries of the Commissioners shall be paid by their respective Governments. The Contingent Expenses of the Commissions, including the salary of the Arbitrators or Umpires, and of the Clerk or Clerks, shall be defrayed in equal moieties by the two Governments.

ARTICLE IX. Her Majesty The Queen of the United Kingdom of Great Britain and Ireland and The United States of America bind themselves, in case the Republics of Nicaragua and of Costa Rica, or either of them, should refuse to accept the arrangements contained in the preceding Articles, not to propose nor consent to any other arrangements more favourable to the refusing Party or Parties.

ARTICLE X. The present Treaty shall be ratified by Her Britannic Majesty, and by The President of the United States of America by and with the Advice and Consent of

Nothing short of such a vigorous will could have found a way out of the complications and entanglements with which the subject was surrounded.

Indeed one of the principal features of the finally adjusted plan, dealing as it of necessity must with the asserted claims of a third state, and anxiously moulded as it has been in all possible deference to the rights and honor of that State, may yet be frustrated by failing to conciliate assent. I cannot but cherish an ardent hope that the Republic of Nicaragua will perceive that in attaining an object of paramount importance to herself, and to all

the Senate thereof; and the Ratifications shall be exchanged at  
within the space of months.—

as soon as possible

In Witness whereof &c.

### *Separate Articles*

ARTICLE I. Whereas the arrangements set forth in the Treaty of this date are provided as an adequate substitute for the Protection heretofore extended by Great Britain to the Mosquito Indians: and whereas one or the other, or both, of the contracting Parties may find in the condition of their political relations with the Republic of Nicaragua, obstacles to prevent an immediate execution of the said arrangements:—now therefore it is agreed and understood as follows:—

1. That any delay in carrying out the said arrangements, arising from the circumstances or relations of the Republic of Nicaragua, shall, in no respect, impair the validity or force of the Treaty, as between the Contracting Parties; but the same shall remain obligatory upon, and to be executed by, them as early as may be practicable.—

2. That whichever of the two Contracting Parties may soonest find itself in such political relations with the Republic of Nicaragua as enable it so to do, shall first propose singly to that Republic the arrangements contained in this Treaty, and shall obtain by means of a separate Treaty its assent to those arrangements:—the other Contracting Party engaging, and reserving to itself the right, also to conclude with the said Republic at the earliest fitting moment, a Treaty containing the said arrangements.—

ARTICLE II. And whereas the Relations of amity between the Contracting Parties, and the neutrality of any and every communication by Canal or Railway across the Isthmus which connects North and South America, and to which communication by Canal or Railway their Protection has been or shall be extended, may be further assured by some definite arrangement on two other questions which have come into discussion; now it is mutually agreed and understood:—

1<sup>o</sup> That Her Britannic Majesty's Settlement called The Belize or British Honduras, on the shores of the Bay of Honduras, bounded on the North by the Mexican Province of Yucatan; and on the South by the River Sarstoon, was not and is not embraced in the Treaty entered into between the Contracting Parties on the 19<sup>th</sup> day of April 1850:—and that the limits of the said Belize, on the West, as they existed on the said 19<sup>th</sup> of April 1850, shall be settled and fixed by Treaty between Her Britannic Majesty and the Republic of Guatemala, within year from the exchange of the Ratifications of this Instrument; which said boundaries and limits shall not at any time hereafter be extended.

2<sup>o</sup> That the Islands, and their inhabitants, of Roatan, Bonacca, Utila, Barbaretta, Helena, and Morat, situate in the Bay of Honduras, and known as the Bay Islands, having been, by a Convention bearing date the day of 1856, between Her Britannic Majesty and the Republic of Honduras, constituted and declared a Free Territory under the Sovereignty of the said Republic of Honduras, the two Contracting Parties do hereby mutually engage to recognize and respect in all future time the Independence and Rights of the said Free Territory, as a part of the Republic of Honduras.

ARTICLE III. The present separate articles shall have the same force and validity as if they had been inserted, word for word, in the Treaty between Her Britannic Majesty and The United States of America, signed this day.—They shall be ratified by Her Britannic Majesty and by The President of the United States by and with the advice and consent of the Senate thereof, and the Ratifications shall be exchanged at the same time as those of the Treaty.

In witness whereof the respective Plenipotentiaries have signed the present Separate Articles, and have affixed thereto the Seal of their arms.

*Done &c*

Central America, namely, the voluntary relinquishment by Great Britain of the pretension and practice to protect, by forcible means, the Mosquito Indians, her permanent and essential interests, her peace, her territory, her commerce, and her independence can undergo no real diminution. Such an object, achieved by the firmness of the United States, can hardly fail to be considered by the statesmen and people of that rising and interesting community as ample compensation for the ideal and temporary sacrifices she is asked to make.

Duplicates of the Treaty were signed and sealed at the Foreign Office on Wednesday the 27<sup>th</sup> instant, at half past seven o'clock, and one of them left with each negotiator for submission to his Government.

Lord Clarendon, on the following morning, left London, in attendance upon the Queen, for Edinburgh, and will remain in Scotland for a month.

I have the honor [etc.].

## 3086

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 29

LONDON, October 10, 1856.

SIR: Your Nos 30 and 31<sup>2</sup> reached here, by the Steamer Atlantic, late in the afternoon of yesterday. The first is accompanied by the Commission of Mr. George R. West, as Consul of the United States at the Bay of Islands [*sic*]:—and the second, confined to the subject of the *projet* prepared, agreeably to the directions of our respective governments, by the Earl of Clarendon and myself, the duplicate copy of which was transmitted in my No 26, of the 29<sup>th</sup> of August last,<sup>3</sup> is accompanied by the President's Commission, or Full Power, to negotiate and sign a treaty concerning Central America, and by a "confidential" letter from the Department.<sup>4</sup>

Both these communications will receive my earliest attention: and the importance of perfecting the Central American Treaty as speedily as may be compatible with the magnitude and delicacy of its arrangements, will not be lost sight of. Be good enough to convey to the President, and to receive for yourself, my sincere thanks for the appreciation expressed of the "judgment and skill" with which the negotiation has thus far been conducted. I shall feel better entitled to this favorable opinion when the improvements, suggested in your letter, have been successfully urged upon the adoption of Lord Clarendon.<sup>5</sup>

<sup>1</sup> Despatches, Great Britain, vol. 70. Received October 27.

<sup>2</sup> No. 30, relating to consular affairs, is not included in this publication, but No. 31, September 26, 1856, is above, this volume, pt. I, doc. 2769.

<sup>3</sup> See above, this part, doc. 3085, and note 2 thereto, p. 683.

<sup>4</sup> See above, this volume, pt. I, the second document dated September 26, 1856, doc. 2770.

<sup>5</sup> The remaining part of the despatch concerns a consular matter.

3087

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

No. 30

LONDON, October 17, 1856.

SIR: I have the honor to transmit a Treaty between the United States and Great Britain, embracing an adjustment of all their differences heretofore existing connected with Central America, executed this day by me,<sup>2</sup> under the Full Power dated 25<sup>th</sup> of September 1856 and received on the 9<sup>th</sup> instant.

The *projet* or draft of this Treaty, as discussed and finally agreed to be

<sup>1</sup> Despatches, Great Britain, vol. 70. The receipt date was not indicated.

<sup>2</sup> This treaty, followed by the amendments proposed by the Senate and ratified by the President, found in the Unperfected-treaties file, F-1, is below:

The United States of America, and Her Majesty The Queen of the United Kingdom of Great Britain and Ireland, being desirous to settle in a friendly manner the questions which have come into discussion between them relative to Central America, have resolved to conclude a Treaty for that purpose, and have named as Their respective Plenipotentiaries, that is to say:—

The President of the United States of America, George Mifflin Dallas, Esquire, Envoy Extraordinary and Minister Plenipotentiary of the United States to Her Britannic Majesty;

And Her Majesty The Queen of the United Kingdom of Great Britain and Ireland, The Right Honourable George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, Knight Grand Cross of the Most Honourable Order of the Bath, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective Full Powers, found in good and due form, have agreed upon and concluded the following articles.

ARTICLE I. The United States of America and Her Britannic Majesty agree jointly to propose to the Republics of Nicaragua and of Costa Rica the arrangements contained in the following articles.

ARTICLE II. A territory comprised within the following limits shall be set apart for the Mosquito Indians:

The Boundary Line shall begin at the mouth of the River Rama in the Caribbean Sea; thence it shall run up the mid-course of that River to its source; and from such source proceed in a line due West to the meridian of 84° 15' Longitude West from Greenwich; thence due North up the said meridian until it strikes the River Brachma, and down the mid-course of that River to its mouth in the sea at about Latitude from 14° to 15° North, and Longitude 83° West from the meridian of Greenwich; and thence Southerly along the shore of the Caribbean Sea to the mouth of the River Rama, the point of commencement.

The inland boundary shall be designated and marked out by two Commissioners, to be appointed, one by Her Britannic Majesty, and one by the President of the Republic of Nicaragua.

If in making the survey for this purpose, there should be discovered any natural boundary within fifteen English miles of the above mentioned meridian line, on the Western side of such meridian line, and extending the whole distance from the river Brachma to the parallel of the river Rama, it shall be the duty of the Commissioners to report the same; and such natural boundary shall be adopted instead of the astronomical one.

If in making the survey it should be found that the due north line on the meridian of 84° 15' Longitude West from Greenwich does not strike the river Brachma, it is agreed that the boundary shall be completed by a line to be drawn due West from the source of the said river to the said meridian; and that if the Commissioners should discover any natural boundary within five English miles north of the line to be in such case drawn due West from the source of the river Brachma to the meridian of 84° 15' Longi-

## Footnote 2, page 688—Continued

tude West from Greenwich, it shall be their duty to report the same, and such natural boundary shall be adopted in preference to the due West line.

ARTICLE III. The Mosquito Indians, confining themselves within the Territory designated by the preceding Article, shall enjoy the right to make, by their national Council or Councils, and to carry into effect, all such laws as they may deem necessary for the government and protection of all persons within the same, and of all property therein, belonging to their people or to such persons as have connected themselves with them. Their rights of property and of local government within the territory defined as described in the preceding Article, shall be recognised, affirmed, and guaranteed by the Republic of Nicaragua in treaties to be made by that State with the United States and Great Britain respectively; and the Republic of Nicaragua in each of those treaties shall stipulate and engage that it will enact laws to prevent the purchase of lands from the Mosquito Indians, and the introduction and sale of spirituous liquors among the said Indians; and that the Republic will protect them from all inroads, intrusions, or aggressions along their western and northern frontier.

The Mosquito Indians shall not be able to cede their territory or rights to any other State without the consent of the United States and Great Britain, by each separately expressed; it being however understood that nothing shall preclude the conclusion of such voluntary compact and arrangements between the Republic of Nicaragua and the Mosquito Indians, by which the latter may be definitively incorporated and united with the former; but it shall be stipulated, in such case, that the said Mosquito Indians shall enjoy the same rights, and be liable to the same duties, as the other citizens of the said Republic of Nicaragua.

ARTICLE IV. All the territory south of the river Wanx or Segovia, not included within the limits of the reservation set apart for the Mosquito Indians as described in Article II, shall, without prejudice to the rights of the Republic of Honduras, or to any question of boundary between that Republic and the Republic of Nicaragua, be recognised and declared to be within the limits and sovereignty of the Republic of Nicaragua, on the following conditions:

1. The Republic of Costarica shall retain for it's citizens the freedom of navigation up and down the river San Juan from it's mouth to the mouth of the Serapiqui river, with liberty to enter and quit the port of San Juan or Grey Town with their vessels, and to store their cargoes in that port. and without being subject to any duties of import or export, tonnage duty, or other tax or public charge whatever, except for light money and other necessary port charges.

2. The Republics of Nicaragua and of Costarica shall allow the territorial disputes between them, and the limits or extension to be given to the Town of San Juan or Grey Town (if the same cannot be amicably adjusted between themselves and that Town) to be settled by the Arbitration of the United States of America and Great Britain, who in any doubtful point shall be able to call for the decision of a third party.

3. All *bona fide* grants of land for due consideration made in the name and by the authority of the Mosquito Indians since the 1<sup>st</sup> of January, 1848, and lying beyond the limits of the territory reserved for said Indians, shall be confirmed, provided the same shall not exceed in any case the extent of one hundred yards square, if within the limits of San Juan or Grey Town, or one league square if without the same, and provided that such grant shall not interfere with other legal grants made previously to that date by Spain, the Republic of Central America, or either of the present States of Central America, and provided further that no such grant within either of the said States shall include territory desired by it's government for forts, arsenals, or other public buildings. —This stipulation is in no manner to affect the grants of land made previously to the 1<sup>st</sup> of January, 1848.

In case however any of the grants referred to in the preceding paragraph of this section should be found to exceed the stipulated extent, the Commissioners hereinafter mentioned shall, if satisfied of the *bona fides* of any such grants, award to the grantee or grantees, or to his or their representatives or assigns, an area equal to the stipulated extent.

And in case any *bona fide* grant, or any part thereof, should be desired by the Government for forts, arsenals, or other public buildings, the Government shall compensate the holders for the same; the amount of compensation to be assessed and determined by the said Commissioners.

4. The Republic of Nicaragua shall constitute and declare the port of Greytown or San Juan a free port, and the City a free City (though under the sovereign authority of the Republic,) whose inhabitants shall enjoy the following rights and immunities:

Footnote 2, page 688—*Continued*

- A. The right to govern themselves by means of their own municipal government, to be administered by legislative, executive, and judicial officers of their own election, according to their own regulations.
- B. Trial by Jury in their own Courts.
- C. Perfect freedom of religious belief and of worship, public and private.
- D. The municipal government shall lay no duties on goods exported, nor any duties on goods imported intended for transit across the Isthmus or for consumption *without* the City, nor any duties of tonnage on vessels, except such as may be necessary for the police of the Port and the maintenance of the necessary Lighthouses and Beacons;—Provided that the present condition shall not interfere with, or prevent the levy of, a temporary duty on imports for the purpose of the payment to the Mosquito Indians, as stipulated in Article V.
- E. Exemption from military service, except for the defence of the City, and within the bounds of the same.

ARTICLE V. The Republic of Nicaragua shall enter into positive treaty stipulations with each of the two Governments of the United States of America and of Great Britain, that it will make the grant of freedom to the City of Greytown or San Juan subject to the condition that the municipality of the said City shall, as soon as organized, pass laws and ordinances levying, by tax or duty on imports, some reasonable sum to be paid half-yearly to the Mosquito Indians by way of annuity for a limited period, as an indemnity and compensation for their interest in the territory recognised and declared by the first clause of Article IV. to be within the limits and sovereignty of the Republic of Nicaragua.

ARTICLE VI. Her Britannic Majesty and the Republic of Nicaragua shall within six months after the exchange of the ratifications of the treaty to be concluded between them in virtue of the present arrangements, appoint each a Commissioner for the purpose of designating and marking out the inland boundary separating the territory to be set apart for the Mosquito Indians as described in Article II. of the present treaty, from the rest of the territory of the Republic.

They shall also appoint within the same period each a Commissioner for the purpose of deciding upon the *bona fides* of all grants of lands mentioned in §3 of Article IV. of the treaty as having been made by the Mosquito Indians of lands heretofore possessed by them and lying beyond the limits of the territory described in Article II.

They shall further appoint, within the same period, each a Commissioner for the purpose of determining the amount, the period of duration, and the time, place, and mode of payment of the annuity to be paid to the Mosquito Indians according to the stipulations of Article V. of the present treaty.

Her Britannic Majesty and the Republic of Nicaragua shall be at liberty either to name the same person to fulfil the duties of Commissioner for all three, or for any two, of the purposes above described, or to name a separate and distinct person to be Commissioner for each purpose, as they may see fit.

ARTICLE VII. The Commissioners mentioned in the preceding Article shall meet at such place or places as shall be hereafter fixed, at the earliest convenient period after they shall have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn Declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to justice and equity, without fear, favor, or affection to their own country, upon all the matters referred to them for their decision; and such declaration shall be entered on the record of their proceedings.

The Commissioners shall then, and before proceeding to any other business, name some third person, to act as Arbitrator or Umpire in any case or cases in which they may themselves differ in opinion.—Each pair of Commissioners shall separately name the person so to act as their Arbitrator or Umpire.—The person or persons so to be chosen shall, before proceeding to act, make and subscribe a solemn Declaration, in a form similar to that which shall already have been made and subscribed by the Commissioners, which Declaration shall also be entered on the record of the proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting, or declining, or ceasing to act as such Arbitrator or Umpire, another person or other persons shall be named as aforesaid to act in his or their place or stead, and shall make and subscribe such Declaration as aforesaid.

Her Britannic Majesty and the Republic of Nicaragua shall engage to consider the decision of the two Commissioners conjointly, or of the Arbitrator or Umpire, as the

Footnote 2, page 688—*Continued*

case may be, as final and conclusive on the matters to be respectively referred to their decision, and forthwith to give full effect to the same.

ARTICLE VIII. The Commissioners and the Arbitrators or Umpires shall keep accurate records and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ such clerk or clerks or other persons as they shall find necessary to assist them in the transaction of the business which may come before them.

The salaries of the Commissioners shall be paid by their respective Governments. The contingent expenses of the Commissioners, including the salary of the Arbitrators or Umpires, and of the Clerk or Clerks, shall be defrayed in equal moieties by the two Governments.—

ARTICLE IX. The United States of America and Her Majesty The Queen of the United Kingdom of Great Britain and Ireland bind themselves, in case the Republics of Nicaragua and of Costarica, or either of them, should refuse to accept the arrangements contained in the preceding Articles, not to propose nor consent to any other arrangements more favourable to the refusing Party or Parties.

ARTICLE X. The present Treaty shall be ratified by The President of the United States of America by and with the Advice and Consent of the Senate thereof, and by Her Britannic Majesty; and the Ratifications shall be exchanged at London as soon as possible within the space of six months.

In Witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at London, the Seventeenth day of October, in the Year of Our Lord One Thousand Eight Hundred and Fifty Six.—

[L. s.]	G. M. DALLAS
[L. s.]	CLARENDON

*Separate Articles*

ARTICLE I. Whereas the arrangements set forth in the treaty of this date are provided as an adequate substitute for the protection heretofore extended by Great Britain to the Mosquito Indians: And Whereas one or the other, or both, of the Contracting Parties may find in the condition of their political relations with the Republic of Nicaragua, obstacles to prevent an immediate execution of the said arrangements:—Now therefore it is agreed and understood as follows:

1. That any delay in carrying out the said arrangements, arising from the circumstances or relations of the Republic of Nicaragua, shall in no respect impair the validity or force of the treaty, as between the Contracting Parties; but the same shall remain obligatory upon, and to be executed by, them as early as may be practicable.

2. That whichever of the two Contracting Parties may soonest find itself in such political relations with the Republic of Nicaragua as enable it so to do, shall first propose singly to that Republic the arrangements contained in this treaty, and shall obtain by means of a separate treaty its assent to those arrangements:—the other Contracting Party engaging, and reserving to itself the right, also to conclude with the said Republic at the earliest fitting moment, a treaty containing the said arrangements.

ARTICLE II. And whereas the relations of amity between the Contracting Parties, and the neutrality of any and every communication by canal or railway across the Isthmus which connects North and South America, and to which communication by canal or railway their protection has been or shall be extended, may be further assured by some definite arrangement on two other questions which have come into discussion; now it is mutually agreed and understood.

1<sup>o</sup> That Her Britannic Majesty's settlement called the Belize or British Honduras, on the shores of the Bay of Honduras, bounded on the North by the Mexican Province of Yucatan; and on the South by the River Sarstoon, was not and is not embraced in the treaty entered into between the Contracting Parties on the 19<sup>th</sup> day of April 1850;—and that the limits of the said Belize, on the West, as they existed on the said 19<sup>th</sup> of April 1850, shall, if possible, be settled and fixed by treaty between Her Britannic Majesty and the Republic of Guatemala, within two years from the exchange of the ratifications of this instrument; which said boundaries and limits shall not at any time hereafter be extended.

2<sup>o</sup> That the Islands, and their inhabitants, of Roatan, Bonaca, Utila, Barbaretta, Helena, and Morat, situate in the Bay of Honduras, and known as the Bay Islands, having been, by a Convention bearing date the twenty-seventh day of August, 1856, between Her Britannic Majesty and the Republic of Honduras, constituted and declared



Footnote 2, page 688—*Continued*

a Free Territory under the sovereignty of the said Republic of Honduras, the two Contracting Parties do hereby mutually engage to recognise and respect in all future time the independence and rights of the said Free Territory, as a part of the Republic of Honduras.

ARTICLE III. The present separate articles shall have the same force and validity as if they had been inserted, word for word, in the Treaty between The United States of America and Her Britannic Majesty, signed this day.— They shall be ratified by The President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at the same time as those of the treaty.

In Witness whereof the respective Plenipotentiaries have signed the present separate articles, and have affixed thereto the Seal of their Arms.

Done at London, the Seventeenth day of October, in the Year of Our Lord One Thousand Eight Hundred and Fifty Six.

[L. S.] G. M. DALLAS.  
[L. S.] CLARENDON.

JAMES BUCHANAN,  
PRESIDENT OF THE UNITED STATES OF AMERICA,

*To all and singular who shall see these presents, Greeting!*

Whereas a treaty and separate Articles between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, relative to Central America, were concluded and signed at London, by their respective Plenipotentiaries, on the seventeenth day of October last, the originals of which treaty and separate Articles are hereunto annexed: And whereas the Senate of the United States, by their resolution of the twelfth instant—two-thirds of the Senators present concurring—did advise and consent to the ratification of the said treaty and separate Articles, with the following amendments:

ARTICLE I. After the word "agree" insert the words "*as common friends of the parties concerned*" and strike out the word "jointly."

ARTICLE III. In the 4<sup>th</sup> line, after the words—"such laws" insert the words "*not inconsistent with the sovereign rights of the State of Nicaragua.*"

In the 15<sup>th</sup> line, after the words—"Indians and" insert the words "*to exclude the settlement of other persons amongst them without the license of the State of Nicaragua, and the consent of the said Indians, and also.*"

In the 20<sup>th</sup> line, after the word "able," insert the words—"to enter into any agreement, or alliance with, or."

In the 21<sup>st</sup> line, after the word "of" insert the word "*Nicaragua.*"

In the 21<sup>st</sup> line, after the word "rights" insert the words "*in said Territory*"; and in same line, after the word "any" strike out the word "other."

In the 27<sup>th</sup> line, after the word "be" insert the words "*admitted to be citizens and.*"

In the 27<sup>th</sup> line, after the word "former," strike out the words "but it shall be stipulated in such case, that the said Mosquito Indians shall enjoy the same rights, and be liable to the same duties, as the other citizens of the said Republic of Nicaragua."

ARTICLE IV. Strike out the following clause "3."

"3. All bona fide grants of land, for due consideration, made in the name and by the authority of the Mosquito Indians, since the first of January, eighteen hundred and forty-eight, and lying beyond the limits of the Territory reserved for said Indians, shall be confirmed, provided the same shall not exceed, in any case, the extent of one hundred yards square, if within the limits of San Juan or Greytown, or one league square, if without the same; and provided that such grant shall not interfere with other legal grants made previously to that date by Spain, the Republic of Central America, of either of the present States of Central America; and provided further, that no such grant within either of the said States shall include territory desired by its Government for Forts, Arsenals, or other public buildings. This stipulation is in no manner to affect the grants of land made previously to the first of January, eighteen hundred and forty-eight.

In case, however, any of the grants referred to in the preceding paragraph of this section should be found to exceed the stipulated extent, the Commissioners hereinafter mentioned shall, if satisfied of the bona fides of any such grants, award to the grantee or

recommended to our respective governments by Her Majesty's Principal Secretary of State, and myself, was forwarded for the consideration of the President in my N<sup>o</sup> 26. of the 29<sup>th</sup> of August last.<sup>1</sup> The modifications of that *projet*, indicated as desirable in your N<sup>o</sup> 31,<sup>2</sup> it has been my good fortune to obtain in the course of a single week, with but one unimportant exception.

grantees, or to his or their representatives or assigns, an area equal to the stipulated extent.

And in case any bona fide grant, or any part thereof, should be desired by the Government for Forts, Arsenals, or other public buildings, the Government shall compensate the holders for the same; the amount of compensation to be assessed and determined by the said Commissioners."

Change clause "4" to "3."

ARTICLE VI. Strike out the following clause:

"They shall also appoint, within the same period, each a Commissioner for the purpose of deciding upon the bona fides of all grants of land mentioned in section 3 of Article IV of the treaty as having been made by the Mosquito Indians of lands heretofore possessed by them, and lying beyond the limits of the territory described in Article II."

In the last clause of Article VI, in lines 3 and 4, strike out the words—"all three or for any two of the"—and insert the words "*the two*."

ARTICLE IX. Strike out this Article in the following words:

"Article IX. The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland bind themselves, in case the Republics of Nicaragua and Costa Rica, or either of them, should refuse to accept the arrangements contained in the preceding Articles, not to propose nor consent to any other arrangements more favorable to the refusing party or parties."

Change Article X to Article IX.

#### *Separate Articles*

ARTICLE II. Strike out the second clause of definitive arrangement, as follows:

"2. That the islands, and their inhabitants, of Ruatan, Bonaco, Utila, Barbaretta, Helena, and Morat, situate in the Bay of Honduras, and known as the Bay Islands, having been, by a Convention bearing date the twenty-seventh day of August, 1856, between Her Britannic Majesty and the Republic of Honduras, constituted and declared a free territory under the sovereignty of the said Republic of Honduras, the two contracting parties do hereby mutually engage to recognise and respect, in all future time, the independence and rights of the said free territory as a part of the Republic of Honduras."

And insert the following in lieu thereof, viz:

2. *The two contracting parties do hereby mutually engage to recognise and respect the islands of Ruatan, Bonaco, Utila, Barbaretta, Helena, and Morat, situate in the Bay of Honduras, and off the coast of the Republic of Honduras, as under the sovereignty and as part of the said Republic of Honduras.*

Now, therefore, I, James Buchanan, President of the United States of America, having seen and considered the said treaty and separate Articles, do, in pursuance of the aforesaid advice and consent of the Senate, by these presents, accept, ratify, and confirm the same, as amended by the Senate of the United States, and every clause and article thereof.

In faith whereof, I have caused the seal of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, this nineteenth day of March, in the year of our Lord one thousand eight hundred and fifty-seven, and of the Independence of the said States the eighty-first.

[L.s.]

JAMES BUCHANAN

By the President:

LEW CASS.

*Secretary of State.*

<sup>1</sup> See above, this part, doc. 3085, and note 2 thereto, p. 683.

<sup>2</sup> Above, this volume, pt. I, doc. 2769, September 26, 1856.

A few changes in phraseology, and in merely accessorial provisions were necessary, and have been made to secure adaptation and congruity as between the improvements, and the original draft. A full and frank interchange of views between Lord Clarendon and myself on the omitted suggestion, led to the belief that it was of a nature liable to misapplication and abuse.

You will, I am sure excuse me for now expressing a strong hope that I may be permitted to hear with little delay the President's judgment upon the entire instrument.

The formalities at the Foreign Office, in perfecting the duplicate copies consumed so much time that I have none to spare for comment. Should it seem to me at all important or useful that any part of the Treaty receive explanation as to its motive or tendency, a future opportunity will be taken for that purpose.

I have the honor [etc.].

3088

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

LONDON, November 26, 1856.

I have just got back from the Foreign Office, where I scratched out and put in, and then drafted the note to you which I now send.<sup>2</sup> Not a moment left.

Always truly yrs.

LONDON, November 25, 1856.

The Undersigned, the Plenipotentiaries by whom the Treaty in relation to Central America was negotiated and signed on behalf of their respective governments on the seventeenth of October 1856,<sup>3</sup> being apprized of the existence of a clerical error in Article IV, N° 4, Letter D; and having verified the existence of that error to consist in the use of the word "*within*" instead of the word originally and obviously intended "*without*", do hereby request and empower The Honorable William L. Marcy, Secretary of State of the United States, to cause the said error to be rectified in the Copy of the Treaty heretofore remitted to him; and The Undersigned have themselves rectified it in the Copy of the same retained in the Foreign Office, by changing the said word "*within*" in said Article IV, N° 4, Letter D, to the word "*without*."

G. M. DALLAS.

CLARENDON.

<sup>1</sup> Despatches, Great Britain, vol. 70. The receipt date was not indicated.

The brief omitted portion is not pertinent to this publication.

<sup>2</sup> It follows immediately this despatch.

<sup>3</sup> See it above, this part, p. 688, note 2.

3089

*George M. Dallas, United States Minister to Great Britain, to William L. Marcy, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 33

LONDON, November 28, 1856.

SIR: Your despatches to N° 38 inclusive have been received, *except* N° 36,<sup>2</sup> which, I have supposed may be in the hands of the Commanding Officer of the "Resolute", and therefore dilatory in arriving.

In my last interview, on the 25<sup>th</sup> instant, with Her Majesty's Principal Secretary of State for Foreign Affairs, I distinctly explained to him and much to his apparent satisfaction, the state of our diplomatic representation, as related to me in your N° 37,<sup>3</sup> relatively to the governments of the Argentine Republic and Buenos Ayres.

At the same interview I brought to the notice of the Earl of Clarendon the "*clerical mistake*" discovered in Article 4. N° 4. letter D. of the Treaty we had signed on the 17<sup>th</sup> of October last, in arrangement of existing differences upon Central American Affairs.<sup>4</sup> This is the subject of your N° 38.<sup>5</sup> Its origin was traced by me to the detached extract I had made, for the engrossment of the Treaty, of the proposition in your N° 31<sup>6</sup> restrictive of the taxing powers of the Municipality of San Juan de Nicaragua. The error was immediately corrected in the British copy of the Convention remaining here, and I drafted a joint request and authorization to yourself, which was signed by both of us,<sup>7</sup> enabling you to make the same correction in the American Copy. This formal authorization I have forwarded to you by the Steamship Atlantic of the 26<sup>th</sup> instant.<sup>8</sup>

3090

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>9</sup>

Confidential.

WASHINGTON, March 29, 1857.

SIR: I have the honor to transmit to you herewith, for your perusal, a letter, with it's enclosures, which I have received from the Lieutenant Governor of Jamaica.<sup>10</sup>

<sup>1</sup> Despatches, Great Britain, vol. 70. Received December 13.

<sup>2</sup> Not pertinent to this publication.

<sup>3</sup> Above, this volume, pt. 1, doc. 2771, November 7, 1856.

<sup>4</sup> This treaty, as finally corrected, is above, this part, p. 688, note 2. See also, in the same part, doc. 3088, November 25, 1856.

<sup>5</sup> Above, this volume, pt. 1, doc. 2772, November 10, 1856.

<sup>6</sup> Above, this volume, September 26, 1856, doc. 2769.

<sup>7</sup> See above, this part, doc. 3088, November 25, 1856.

<sup>8</sup> It was enclosed with a brief note, dated November 25, 1856, above, this part, doc. 3088. The remaining part of the despatch relates to medals presented to British seamen, and to other matters not pertinent to this publication.

<sup>9</sup> Notes from Great Britain, vol. 34. Received March 31.

<sup>10</sup> Not found.

From this correspondence you will learn that certain adventurers having endeavoured in vain to engage the inhabitants of Ruatan in an expedition against the Port of Truxillo in the Republic of Honduras, have abandoned the Island and are suspected of having betaken themselves to New Orleans, still with the intention of organizing a descent upon the place abovementioned.—One of the party, by name Adrian, is reported to have remained at Ruatan in expectation of being rejoined by his comrades.

I have thought it right to make this communication to you in the hope that you will be enabled to discover and frustrate any movement which might possibly be attempted from New Orleans for the purpose abovementioned, for it is certainly much to be deprecated that any new embarrassment should occur in the Central American Region which is already subject to so much disturbance.

You will oblige me by returning the Correspondence when you have taken cognizance of its contents.<sup>1</sup>—

I have the honor [etc.].

3091

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>2</sup>

No. 49

LONDON, April 16, 1857.

SIR: Your N° 57<sup>3</sup> was received on the 7<sup>th</sup> instant. N° 55,<sup>4</sup> if there be such, is still wanting to the series.

Your N° 57 was accompanied by the Central American Treaty, with the amendments proposed by the Senate, and with the ratification of the President.<sup>5</sup>

I immediately conformed to your instruction, and, transmitting to Her Majesty's Principal Secretary of State for Foreign Affairs, with a short note, copies of the Treaty as ratified and of your letter, asked the attention of the British Government to the subject.

Invited by a note from Lord Clarendon, received early this morning, I had an interview with him at 1/2 past three today at the Foreign Office, and lose no time in preparing for you an account of what took place.

After some interchange of friendly greeting, his Lordship, with a printed copy of the Treaty and a manuscript memorandum before him, began by saying that he had conferred with his colleagues of the Cabinet upon the subject, and was about to communicate to me the result.

<sup>1</sup> The Secretary of State's reply of April 6, returning these documents, is not included in this publication, since it briefly stated that instructions had been given to the Attorney of the Eastern District of Louisiana to frustrate any movement in his district, for the purposes mentioned above in this note, and to punish the parties implicated.

<sup>2</sup> Despatches, Great Britain, vol. 70. The receipt date was not indicated.

<sup>3</sup> Above, this volume, pt. I, doc. 2773, March 21, 1857.

<sup>4</sup> Not pertinent to this publication.

<sup>5</sup> For the treaty and accompanying documents, see above, this part, p. 688, note 2.

He then opened the printed Treaty, and adverted to the following amendments of the Senate in brief and rapid succession:—

The changes made in those parts which related to the *Mosquito Protectorate*, though not entirely acceptable, were not such as affected the substance of the arrangement, and gave rise to no serious objection.

The exclusion of the provisions which had been framed for the creation of a Commission to adjudicate upon the bona fides and validity of *grants of land* heretofore made by the Mosquito Indians, altho' it would necessarily cause much disappointment with both American and British holders of those grants, and occasion a great extent and complication of trouble, was also not injurious to the general scheme and might be acquiesced in.

In striking out *Article IX*, stipulating that the two Governments would not propose nor consent to any arrangement more favorable to either refusing party or parties, his Lordship appeared to think that the Senate entertained somewhat too high an appreciation of the moderation and justice of those republics in relation to each other:—but this amendment, also, did not conflict with the plan of the Treaty, and would readily be accepted.

All these amendments, and others to which he thought it unnecessary to refer, were but little material and might be adopted. A single one, however, remained, which presented an insurmountable difficulty to Her Majesty's Government:—that which consists in striking out the clause N<sup>o</sup> 2 of the original Separate Article II which ran thus:—"2. That the Islands, and their inhabitants, of Ruatan, Bonaca, Utila, Barbaretta, Helena, and Morat, situate in the Bay of Honduras, and known as the Bay Islands, having been by a Convention bearing date the twenty seventh of August 1856 between Her Britannic Majesty and the Republic of Honduras, constituted and declared a free territory under the sovereignty of the said Republic of Honduras, the two contracting parties do hereby mutually engage to recognize and respect in all future time the independence and rights of the said free territory as part of the Republic of Honduras," and inserting the following:—"the two contracting parties do hereby mutually engage to recognize and respect the islands of Ruatan, Bonaca, Utila, Barbaretta, Helena and Morat, situate in the Bay of Honduras, and off the coast of the Republic of Honduras, as under the sovereignty and as part of the said Republic of Honduras."

To this amendment of the Senate, and to this only, Her Majesty's Government could not assent.

I was, in some degree, prepared for this conclusion by an article which appeared in the Morning Post of the day before yesterday: a paper said to represent the opinions of the Prime Minister. Lord Clarendon put the dissent of his Government, distinctly and exclusively, upon the grounds that the Convention with Honduras was yet unratified by that Republic; that

possibly it might not be ratified; that the adoption of the Senate's amendment would hold out an inducement to Honduras to reject it; and then, he continued, "we shall have handed over, bodily and unconditionally, a large number of British subjects; whom we are bound to secure in the enjoyment of their rights and property, to a wretched Government, and without any consideration whatever." He then said, adverting to the written memorandum, "Is it possible for you to remove all difficulty by consenting to the addition of this proviso to the Senate's amendment?" and he read what *in substance* was as follows: "*Provided* the Convention made on the 27<sup>th</sup> of August 1856 between Her Britannic Majesty and the Republic of Honduras, is now or shall be ratified." To this I instantly replied that such a consent I could not give, consistently either with my special instructions from you, or with general principles. Not a word or letter could be added to, or withdrawn from, the instrument as ratified by the Senate and by the President. Besides, I remarked, your Lordship is aware that the two treaties have no connection whatever with each other. (He had explicitly stated that fact in the House of Lords). Certainly, he replied, they are wholly unconnected. And yet, by this proviso, you propose to make the Treaty negotiated by me on behalf of the United States dependent upon the ratification of the one made with Honduras! creating a connection never before contemplated, and which could not fail to be far less acceptable to the Senate than the mere statement of the fact (founded, of course upon your assurance) in the Article, that such a Convention had been made with Honduras, as explanatory of the reason for omitting other notice of one of the questions "which had come into discussion" previously. Even to that bald statement of fact the Senate had shewn a decided repugnance. It was impossible for me to entertain the Proviso for a moment.

His Lordship acquiesced, after a pause, in my want of power; and then suggested the possibility that the President, if the proviso were submitted to him through Lord Napier, might consent to attach it. I frankly told him that, admirably disposed as the President had shewn himself to be, to sacrifice some of his opinions in order to remove all existing difficulties between the two countries, my conviction was that the Treaty would be a nullity as soon as the period limited for the exchange of ratifications had expired, and that the President could not and would not vary the precise form given to it by the amendments of the Senate. Nothing would avail short of a new negotiation, a new treaty, a new approval and adoption by the Government, a new submission to the Senate, new discussions, new amendments, and new ratifications.

Being perfectly satisfied that our conversation, of which I have given you the leading features, could lead to no beneficial result, I requested Lord Clarendon to let me have a copy of the written proviso to accompany my report to you, which would be forwarded tomorrow for the Steamer of the

next morning. He promised to send it, and, should it come in time, it will accompany this despatch.<sup>1</sup>

It is not difficult to perceive the manner in which an effort will be made to enlist the prejudices prevailing here in support of this rejection of the Senate's amendment, and, as a consequence, of the whole Treaty. It may be seen foreshadowed in the newspaper article to which I have alluded, and which, on reflection, I enclose for your perusal.<sup>2</sup> The Press and rumor stated a

<sup>1</sup> A notation by Dallas at the top of the following document stated, "Copy of Paper sent me by Lord Clarendon at  $\frac{1}{4}$  after 5 p.m.—17. April '57". It apparently arrived in time to be sent with this despatch:

*§2 of the Separate Article of the Treaty of October 17, 1856 relative to Central America, as amended by the Senate, with the addition proposed by this Government*

2. The two Contracting Parties do hereby mutually engage to recognize and respect the Islands of Ruatan, Bonaca, Utila, Barbaretta, Helena, and Morat, situate in the Bay of Honduras and off the Coast of the Republic of Honduras, as under the Sovereignty and as part of the said Republic of Honduras [whenever and so soon as the Republic of Honduras shall have concluded and ratified a Treaty with Great Britain by which Great Britain shall have ceded and the Republic of Honduras shall have accepted the said Islands subject to the provisions and conditions contained in such Treaty.]

<sup>1</sup> The article from the *Morning Post*, dated April 14, 1857, to which he alludes, follows:

The American newspapers, which appear to possess some extraordinary means of fathoming the mysteries of diplomacy, have recently published the amended version of the Dallas-Clarendon treaty. The object of that treaty, it is well known, was to settle "in a friendly manner the various questions which have arisen between the two countries relative to Central America." The American Minister at the Court of St. James applied himself to the task in a most considerate and conciliatory spirit, and the treaty, as originally prepared, was creditable to the moderation and justice of both contracting parties. But the Senate of the United States possesses the power of confirming, rejecting, or altering treaties, and this power (if we are to accept the version of our contemporaries) appears to have been exercised by that body in a spirit not altogether so friendly to this country as we in England have a right to expect. The general scheme of the treaty was to settle the boundaries of the States of Nicaragua and Costa Rica—to set apart a territory for the Mosquito Indians, and to provide for the appointment of commissioners to carry the provisions of the treaty into effect. By article three, the Mosquito Indians within the territory limited to them were to be empowered to make laws and to exercise the ordinary powers of government with respect to all persons within the same, or "to such persons who had connected themselves with them." The Senate have introduced words which qualify the clause by excluding British influence—a provision which seems to be unnecessary and impolitic when the long connection which has subsisted between England and the King of MOSQUITO is considered. Next the clause which proposed to confirm all bonafide grants made by the Government of Mosquito of lands "heretofore possessed by the said Indians, and lying beyond the limits of the prescribed territory," is struck out, and also the article by which Great Britain and the United States were to bind themselves—in case the republics of Nicaragua and Costa Rica should refuse to accept the arrangements made by the treaty—not to propose nor consent to any other arrangements more favourable to the refusing party or parties. These alterations may not be very important in themselves; but they, nevertheless, show the careful and deliberate manner in which the Senate has endeavoured to counteract British influence, not only in the Mosquito territory, but in Central America generally. In the separate articles which follow the treaty, an alteration has been made which will permit the extension of slavery to the Bay Islands—a colony which Great Britain, by a recent convention, has ceded to the republic of Honduras. The clause as it originally stood was, that the islands and their inhabitants of Ruatan, &c., situated in the Bay of Honduras, having, by a convention dated in 1856, been constituted and declared a free territory under the republic of Honduras, "the two contracting parties mutually engage to recognise and respect, in all future time, the independence and rights of the said free territory as part of the republic of Honduras." The convention between England and Honduras expressly declared that slavery should never exist in the



meeting of the Cabinet to have taken place on Monday the 13<sup>th</sup> of April, the day before its appearance.

I hope it is not unfair or uncharitable to entertain the opinion that the Senate's amendment would not have constituted an impediment to ratification six weeks ago. Lord Palmerston's extraordinary success in the elections, which he regards as affixing the sanction of popular suffrage even, if not specially, to his foreign policy, has produced an irrepressible exultation. The alarm, however, which this movement must create, connected with its very attenuated pretext, and the apparent, though underground, design of interfering, not alone in Central American politics, but also in our own domestic and constitutional differences, will soon startle into existence, from the overwhelming majority of Liberals in the House of Commons, an opposition which the Ministry will be unable to withstand.

I have the honor [etc.].

*"said free territory."* The Senate, however, has introduced words which provide that the Governments of England and of the United States may recognise the sovereignty of the Bay Islands in Honduras without being bound by the express condition of the convention which prohibits slavery in those islands. No one can be surprised that, when the *Supreme Court of the United States* solemnly pronounces a decision which proclaims that no free man of colour can be a citizen of the American republic, the Senate should endeavour, by every ingenious artifice, to promote the extension of slavery in a region so remote and so insignificant as the Bay Islands territory. *It rests with the Government of England to determine whether it will permit the solemn engagement into which it has entered with Honduras to be ignored at the dictation of the Senate.*

It would in reality seem that the South has embarked in a career which must ere long be fatal to the permanency of the Union. The decision of the Supreme Court altogether ignores, not only the articles of confederation, but the constitution of all the Northern States. In Massachusetts it has been decided that all persons of colour descended from African slaves, by the constitution of 1780, were made citizens of the State, and that such of them as have had the necessary qualification have held and exercised the elective franchise from that time to the present. The same principle has been acted upon in New York, New Hampshire, Rhode Island, and New Jersey. What position will the free coloured population in those States hold for the future? They must either remain outlaws, paying taxes, but invested with no political rights, or pass over to Canada, where, under English laws, they will enjoy ample protection and ample freedom. *It is truly melancholy to witness the Judiciary and Senate of a great nation influenced by a chronic policy which must degrade the name of republic in the eyes of every Christian people.* It may be admitted that slavery is a curse, an involuntary legacy, a damnum hereditas, which the Southern States cannot readily remove or easily get rid of; but that they should endeavour to extend the system into the free North, and endeavour to introduce it into a few islands on the coast of Central America, must afford matter of deep and lasting regret to every one who wishes well to the United States themselves. Before the Declaration of Independence, the free black possessed the rights of a British subject; but under a republic, however useful he may be as a member of society, he is consigned to political slavery—to hopeless and abject political degradation. This contrast cannot fail to be suggestive as well as instructive.

3092

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States<sup>1</sup>*

WASHINGTON, April 19, 1857.

SIR: In consequence of the information which you imparted to me in our conversation on the 16<sup>th</sup> instant, relative to the affairs of New Granada I have addressed a Dispatch to the Earl of Clarendon in which I have communicated to His Lordship the resolutions of the United States Government.

I have reported that it is the intention of His Excellency the President to strengthen the American Squadron on both sides of the Isthmus of Panama; and that orders have been issued to the officer in command to land forces for the protection of American Interests in case they should be endangered by any act of violence on the part of the local authorities or population, or in case the transit by the Railroad should be forcibly interrupted at any point on the line. I have also stated that this measure will not be sanctioned by any incident which has hitherto been made known to you, but will be contingent on future events, and that the orders refer merely to the Panama route and not to any other portion of the Central American Territory.

Her Majesty's Government have also been emphatically assured by me, in conformity with your declarations, that the United States Government have no views whatever to the acquisition of Territory or to the possession of the Railroad, but desire merely security for the passage, and due reparation for the injuries inflicted on the persons and property of American Citizens in the recent outrages.<sup>2</sup>—

I have at the same time, again submitted to the Earl of Clarendon the expediency of using the influence of Her Majesty's Government at Bogota to induce the new Administration at that Capital to take a conciliatory course in reference to the claims of the United States, and give full Powers to their Representative here, General Herran to effect a settlement by direct communication with the Department of State.—

General Herran having mentioned to me that the government of New Granada were disposed to enter into engagements with the Governments of Great Britain, the United States and France for guaranteeing the neutrality of the Panama route, and its freedom to all nations, I have laid this proposal before the British Cabinet, in the belief that it will be acceptable, as it is conformable to the tenour of the 8<sup>th</sup> Article of the Treaty of 1850 between England and the United States.

<sup>1</sup> Notes from Great Britain, vol. 34. Received April 20.

<sup>2</sup> He presumably refers to the demands for reparation arising from the Panama massacre of April 15, 1856. See vol. v, p. 388, note 2, regarding this affair.

Finally I have informed Rear Admiral Sir Houston Stewart, Commander in Chief of the West India Station, confidentially of the views and intentions of the United States Government, in order that he may address such instructions to Her Majesty's Naval Officers in the Central American Waters as he may deem expedient; and I have written to Her Majesty's Consuls at Aspinwall and Panama requesting their good offices in preventing any disturbances which might provoke that direct intervention on the part of the United States forces which it is for many reasons desirable to avoid.—

The frank and amicable spirit which has dictated your several communications to me in these matters<sup>1</sup> justify me in believing that you will not see in the part which I take, or in the expressions which I use, any other motive than that of good will towards the Government of the United States and a desire to anticipate and prevent any incident which might awaken apprehensions in England.—I shall therefore take the liberty of expressing my hope that the control of the naval forces of the United States is committed to a person who is characterized by those qualities of moderation and discretion which are so abundantly found in the officers of the United States Navy, and who will only exercise the powers committed to him in such an emergency as will fully justify in the eyes of his Government so grave a step.—I venture to hope also that, if unfortunately it should be found necessary to carry out the contingent orders of the United States Government by landing forces on the territory of New Granada, it may be consistent with your views to cause such an act to be accompanied by a declaration of its temporary and precautionary nature, in order to allay any anxieties which might arise in quarters where the policy of the United States Government is imperfectly understood.—Such a course could not fail, in my opinion, to be highly agreeable to Her Majesty's Government, and it would be perfectly in harmony with that article of the Treaty of 1850 by which the Contracting Parties take prospective engagements to extend by Treaty Stipulations their "*joint protection*" to an interoceanic communication by way of "*Tehuantepec*" or "*Panama*".—

I have the honor [etc.].

<sup>1</sup> The only written communication to him from the Secretary of State, on these matters, that was found, is above, this volume, pt. 1, doc. 2774, April 17, 1857.

3093

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

Private.

WASHINGTON, May 2, 1857.

MY DEAR SIR: I have thought it might interest you to see the inclosed letters from Cap<sup>t</sup> Erskine<sup>2</sup> of H.M.S. Orion containing some particulars of the state of affairs at Rivas and San Juan. It may be desirable also that you should be made acquainted with the circumstances under which the officer above-mentioned consented to receive on board Her Majesty's ships

<sup>1</sup> Notes from Great Britain, vol. 34. The receipt date was not indicated.

<sup>2</sup> They follow:

*Captain John Erskine, H. M. S. Orion, to J. S. Barlett, Acting British Consul at Greytown*

[EXTRACT]

"ORION", OFF GREYTOWN, April 6, 1857.

Our difficulties on the affairs of this Country will be smoothed by the retreat (& I hope) departure tonight by the N. York Steamer of all the Filibuster farce under C<sup>pt</sup> Lockridge who has fallen back from Castillo, & abandoned all attempts to open the river, thus leaving the whole Country in the hands of the Allies with the exception of Rivas, where Walker cannot have more than between two & three hundred men.

The expedition may therefore be considered at an end, & I hope nothing will occur to prevent our having a Nicaragua Gov<sup>mt</sup> (such as it is) to deal with, & carry out the provisions of the Treaty.

The people of the U. S. will also to judge from the numbers who still come by this route, but who are obliged to be sent on to Panama, be desirous of seeing the regular traffic re-opened.

For my own part I am only too glad to see a prospect of our leaving this wretched Coast.

Believe me [etc.].

*Captain John Erskine, H. M. S. Orion, to Lord Napier, British Minister to the United States*

"ORION", OFF GREYTOWN, April 14, 1857.

DEAR SIR: The enclosed was written on the 6<sup>th</sup> [Immediately above, in this footnote.—Ed.] & was intended to be sent by the "Tennessee" (N. York Steamer) which had come here expressly to take away the disbanded filibusters, but for some unaccountable reason, departed suddenly, leaving them all behind helpless & starving.

At the men's earnest entreaties & finding their Leaders &c had determined to abandon them to their fate, I have at last consented to send them to Aspinwall in Men-of-War, whence an Agent of Mess<sup>rs</sup> Morgan & Lar [?] promises to send them on to The U. S. Should this latter not be carried out the ships will take them to the mouths of the Mississippi & land them there.

I ought to mention that the Costa Ricans followed up their retreat & found them disbanded & totally at their mercy, which had its effect in inducing me to help them away.

I am about to leave Greytown for Carthagena & do not expect to return. Should you hear anything about these men being landed at N. Orleans, I would take it as a favour if you would kindly let me know if any comments are made on our embarking them. The men themselves are very grateful, but another story may be got up by the Filibuster party.

The last accounts of Walker were to the 7<sup>th</sup> Inst.

He was then shut up with a few men in two large Buildings in Revas [Rivas?] which are expected to fall into the Allies hands about the 12<sup>th</sup>.

Believe me [etc.].

and convey to Aspinwall a number of United States Citizens lately engaged in the enterprize of M<sup>r</sup> Walker.

When you were so kind as to mention to me yesterday that by later accounts you were satisfied that the conduct of M<sup>r</sup> Perry the British Consul at Panama, had been misrepresented, I omitted to request that you would mention the circumstance to the President. I found His Excellency strongly impressed with the notion that M<sup>r</sup> Perry had made himself improperly conspicuous in opposing the demands of the U. S. I was not able at the time to vindicate M<sup>r</sup> Perry but I feel sure that you will be happy to do him justice and put him right in the opinion of the President.

Believe me [etc.].

3094

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, May 6, 1857.

The Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in acquainting the Secretary of State of the United States that Her Majesty's Government have reluctantly declined to advise Her Majesty to ratify the Treaty of October 17<sup>th</sup> 1856, relative to the affairs of Central America, in the form in which it was lately returned to London, has the honor to submit to the Secretary of State the following statement of the motives which have guided Her Majesty's Government in this resolution.

The modifications introduced into the Treaty were twofold; they applied to proposals which were to be made by Great Britain and the United States, jointly, to Nicaragua, and to engagements to be taken by the two Governments towards each other.

As regards the former class although Her Majesty's Government would most gladly have acted in close co-operation with the Government of the United States for all the purposes specified, yet, as the Government of the United States were not prepared to agree with them to the full extent of what was contemplated, they would not on that ground have hesitated to go with the United States as far as the latter would go with them, since they would not thereby have precluded themselves from singly pressing on the Government of Nicaragua the recognition of the Claims which British subjects may have in virtue of grants of land formerly made to them in the Mosquito Territory, and for the settlement of which and of similar claims on the part of citizens of the United States, if there are any such, the third clause of the 4<sup>th</sup> article was intended to provide.

Her Majesty's Government had no objection to the Introduction in the first article of the words "as common friends of the Parties concerned",

<sup>1</sup> Notes from Great Britain, vol. 34. Received May 8.

neither did they object to make to the Republic of Nicaragua the proposition respecting the Mosquito Indians in the terms which have been preferred by the Senate of the United States.

Her Majesty's Government would have wished to retain the 9<sup>th</sup> Article, as tending to deprive the governments of Nicaragua and Costa Rica of all inducements to delay their accession to the proposed arrangements in the hopes of obtaining hereafter conditions which they might consider more favorable, but Her Majesty's Government did not desire to press that point further on the Government of the United States.

Thus far Her Majesty's Government adopted the modifications made by the Senate of the United States but they regret that an incident which they had not anticipated and over which they had no control has obliged them to withhold their acceptance of the modification in the second separate Article, which Article provides, not for a proposal to be made by the contracting Parties to another Power, but for an engagement to be taken between themselves.

Her Majesty's Government think it probable that the Senate of the United States in modifying the 2<sup>nd</sup> Clause of that Article considered that the Treaty signed on the 27<sup>th</sup> of August last by the Earl of Clarendon with the Plenipotentiary of the Republic of Honduras was already ratified and in force, and if such had been the case, Her Majesty's Government would have had little difficulty in agreeing to the modification proposed by the Senate, which then, would have had in effect the same signification as the original wording.

But as the Ratifications of the Treaty with Honduras are not yet exchanged owing to the hesitation of that government, Her Majesty's Government could not, at the present time, agree to a wording which would unconditionally recognize the Sovereignty of the Republic of Honduras over the Bay Islands and thus leave the British Settlers in those Islands without the protection and securities provided for them in the Treaty with Honduras.—Nevertheless although Her Majesty's Government have been unable, for the reason assigned, to accept the modification of the Senate as a substitute for the original clause in the second separate article, they are willing to adopt it as far as it goes, adding to it, however, the following passage, "whenever and so soon as the Republic of Honduras shall have concluded and ratified a Treaty with Great Britain by which Great Britain shall have ceded, and the Republic of Honduras shall have accepted the said Islands subject to the provisions and conditions contained in such Treaty."—

Possessing in common with the President and Senate of the United States an anxious desire to lose no time in removing what has been in former years a cause of difference between the two Countries, Her Majesty's Government have determined to send out to the Undersigned a Full Power to sign with any Plenipotentiary named on the part of the United States, a Treaty

framed as now described which on being ratified by the President would immediately be ratified by Her Majesty.

A Draft of the proposed Treaty is herewith enclosed.<sup>1</sup>

The Secretary of State will find that it embodies in every particular the alterations inserted by the Senate of the United States which have been adopted by Her Majesty's Government to manifest the respect which they entertain for that august body, and for the President by whose sanction those alterations were confirmed, and to mark the desire which they entertain to cement the amicable relations of the two Countries by every practicable concession to the wishes of America. In the addition which Her Majesty's Government have felt it their duty to append to the 2<sup>nd</sup> separate Article as suggested by the United States Senate, the Undersigned hopes that the Secretary of State will recognize a natural and legitimate desire on the part of Her Majesty's Government to provide for the vested interests of British subjects and the general welfare of Trade, which it would be highly unwise to abandon to the discretion of the Government of Honduras, without some previous limitations and safe guards. The Undersigned is therefore justified in reiterating his hope that the Government of the United States will consent to name a Plenipotentiary with whom the Undersigned may have the honor of concluding a Treaty in the terms proposed, and he avails himself [etc.].

3095

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>2</sup>

WASHINGTON, May 14, 1857.

SIR: The embarkation of a party of Adventurers, lately engaged in the civil war in Nicaragua, on board Her Majesty's Vessels of War has given rise to various reflections in this Country in which the motives and the conduct of Her Majesty's Officers have been subjected to a misrepresentation.

I have consequently thought it right to submit to your notice the accompanying correspondence forwarded to me by Captain Erskine of the "Orion" and Captain Dunlop of the "Tartar"<sup>3</sup> in which the proceedings of those Officers are correctly delineated.

In these documents you will observe that the Parties above mentioned were received on board Her Majesty's Ship "Tartar" supplied with provi-

<sup>1</sup> This *projet* is not included in this publication, since it is precisely the same as the Dallas-Clarendon Treaty of October 17, 1856, as modified by the Senate (see above, this part, p. 688, note 2), except for the addition to the second separate article which is quoted two paragraphs above in this note.

<sup>2</sup> Notes from Great Britain, vol. 34. Received May 15.

<sup>3</sup> No copies of these papers were found. The Secretary of State's reply to this note, May 19, 1857, above, this volume, pt. 1, doc. 2778, indicates that they were returned to the British legation.

sions, and transported to New Orleans, in consequence of the refusal of the American Steam Company to undertake this duty, a refusal based upon the existence of the "Measles" among the Adventurers on board that Vessel.

The motives which induced the Commander of Her Majesty's Vessels to embrace the course which they adopted were those of humanity and prudence, a desire to relieve a numerous body of persons in destitution and a sense of the danger which the peaceable Inhabitants of Greytown might experience from the presence among them of so many armed men in a desperate condition.

You will oblige me by having the goodness to direct the accompanying papers to be returned to Her Majesty's Legation.

I have the honor [etc.].

3096

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States<sup>1</sup>*

[EXTRACT]

No. 54

LONDON, May 15, 1857.

SIR: On the 11<sup>th</sup> instant I had the honor to receive your N<sup>o</sup> 62, of the 21<sup>st</sup> ultimo.<sup>2</sup> It communicates the disturbed condition of our national relations with New Granada, and the policy about to be pursued with a view to their permanent adjustment. It was accompanied by copies of the two last diplomatic letters received by our plenipotentiaries, Messrs. Morse and Bowlin, from the Foreign Office at Bogota. Now, under existing circumstances, this despatch was of somewhat more than usual interest and importance; and I cannot overlook the fact that it came to me mutilated in a manner difficult to attribute to accident. The right end had been forcibly torn off, and the entire contents reached. It was brought by the Arabia, which left New York on the 29<sup>th</sup> of April:—the bag, therefore, once locked at the Department, was liable, *en route*, to be opened only at New York and here. All the other documents transmitted by the same means were in perfect order. Secrecy, beyond a very limited extent, is scarcely worth the trouble it gives, except where information, prematurely obtained, may be made the means of speculating on the unwary. It may deserve consideration at the Department whether by using linen envelopes, and by some stringent rules as to the treatment of the bag, greater security might not be given at least to despatches of moment.

The New Granadian complication awakens much interest here. Of

<sup>1</sup> Despatches, Great Britain, vol. 70. Received May 29.

The omitted portion at the end of this despatch relates chiefly to medals to be presented to British seamen.

<sup>2</sup> Above, this volume, pt. 1, doc. 2775. Concerning the accompanying documents with that instruction, mentioned below in this despatch, see note 1 thereto, p. 164.



course, its origin and character are but partially understood. When questioned about it in the House of Commons on Tuesday last, Lord Palmerston made a clear, just, and candid statement, which he could hardly have improved had he had your explanatory instructions to me in his hand. I have cut his remarks from the Times, and the slip will be attached.<sup>1</sup>

<sup>1</sup> It follows:

*The United States and Central America*

Mr. WYLD asked whether the Government, in consequence of the expedition now fitting out in the ports of the United States, the destination of which was said to be the coast of Central America and the territories of New Granada, had any intention of stationing a naval force upon those shores for the protection of British interests?

LORD PALMERSTON.—In reply to the question of my hon. friend, I have to state that the Government have stationed, or are about to station, on the coasts of America, on both sides, naval forces which they think sufficient for the protection of British interests; but, considering the interest—I may say the anxiety—which has been excited in the public mind by the rumours to which the hon. gentleman has referred, it would be more agreeable probably to the House that I should give a short explanation of this question, and of its present position. (Hear, hear.) The House is aware that some months ago there occurred a very deplorable scene of violence and outrage at the Isthmus of Panama; that a quarrel began—nobody well knows how,—some people say that it was a simple dispute between a passenger and a native about a water-melon; but, at all events, it acted like a spark thrown upon a smouldering fire, which burst out into a flame, and the reciprocal dislike which had been long growing up led to acts of great violence and scenes of bloodshed which everybody must deeply deplore. The United States' Government applied for redress for the past and security for the future, but I am sorry to say that the Government of New Granada, which is not particularly celebrated for accurate recollections of duties or performance of obligations, refused compliance with those demands. Thence arose negotiations and communications between the United States and New Granada Governments, which have not yet led to any satisfactory termination. It is quite clear, I think, that that which is true in regard to private property is true also in regard to a Government—that it has its duties as well as its rights; and that the Government of New Granada is bound to provide for the security of persons and property passing along the railway through its dominions. The excuse which it gave for refusing compensation to those who suffered by these excesses was, I think, to a certain degree, its own condemnation, because it alleged that the high-handed proceedings of the passengers for a long time before had created great exasperation, and it therefore was not wonderful that a slight cause should produce very considerable results. Now, I must think that if they knew that this great exasperation existed it was their duty to take measures to prevent the commission of outrages either by foreigners upon their own subjects, or by their own subjects upon foreigners. We have been in communication with the United States' Government upon this matter—a matter which evidently concerns not merely the interests of the citizens of the United States, but also those of all other nations whose people are in the habit of traversing this isthmus. I am happy to say that the United States' Government profess the most just and honourable intentions. They disclaim any desire to occupy or take possession of any portion of the territory of New Granada, or of the railway. That which they are naturally entitled to expect is security for their citizens in passing and repassing the isthmus by railway; and they naturally also require some redress for the injuries which were sustained upon the occasion to which I have referred. I am happy to say that their requirements are such as would be made by any Government in a similar position, and that they entirely disclaim any intention of taking advantage of this quarrel for the purpose of putting forward any unjust or aggressive demands against the Government of the State of New Granada. (Hear, hear.)

3097

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, May 31, 1857.

SIR: The disorders which occurred upon the Panama Railway in the month of April 1856<sup>2</sup> have not only prompted demands on the part of the British Government, as well as that of the United States, for reparation on behalf of their subjects, but have impressed upon Her Majesty's Ministers the expediency of embracing, in concert with other States, such general engagements as may afford to the interests and parties concerned a greater measure of safety in future.

It is not necessary for me to enlarge upon the importance of the inter-oceanic Transit to all the Maritime Powers.—It is obvious that a communication which has become of vital necessity to the commerce of the world cannot be entirely abandoned without stipulation or security to the disposal of an Government such as that which possesses Sovereign Rights over the Territory in question.

The Cabinet of New Granada requires the counsels and the support of those whose wisdom and whose Power enable them to regulate a matter which involves a universal interest and excites, at present, a constant apprehension.

The Government[s] of the United States and Great Britain are most directly concerned in the common pathway of Trade, emigration and intelligence. Designed in the first instance by the enterprize of American Citizens, and administered by a Company formed in the United States, the Railway of Panama has been largely supported by the resources of Great Britain, both in the original Stock, and still more in the bonds which were subsequently issued.—The participation of English Capital in this work is at present, estimated to be about 3,000,000 dollars, which may at any moment be increased in the constant circulation and transfer of these securities.—In addition to this legitimate source of solicitude for the preservation of the Route, Her Majesty's Government have a more direct motive in their friendly intervention for the same purpose in the fact, that the Panama Railroad is at present the only way open to the Pacific Dominions of Her Majesty which may shortly undergo a change of Government, and which are undoubtedly destined hereafter to become the seat of a great community of English settlers.—With such a stake in the maintenance of the Transit you will not be surprised to learn that I am directed by the Earl of Clarendon to ascertain the views of the Government of the United States with reference to an eventual settlement of this question.

<sup>1</sup> Notes from Great Britain, vol. 34. Received June 1.

<sup>2</sup> He evidently refers to the occurrences which took place on the 15th of that month, for which see above, vol. v, p. 388, note 2.

The moment may not yet be thought propitious to negotiation with New Grenada,—but the altered disposition of that Government may justify an expectation that the claims of United States and Great Britain will shortly be acknowledged and satisfied, and the two governments may find it consistent with their interests to make a timely exchange of their sentiments in relation to the future.

I am consequently instructed to inquire whether the United States Government is disposed to agree to a general guarantee on the Part of the Powers interested in the Passage of the Isthmus by which the neutrality of the Panama Route and its freedom to all nations would be secured.—I learn from M<sup>r</sup> de Sartiges that the expediency of such a measure was brought under his notice by M<sup>r</sup> Marcy in the autumn of last year, and was the subject of a communication to the Government of France.<sup>1</sup>—Should the present Government sanction the overture of the late Secretary of State, and continue in the same opinion, it will give me great satisfaction to be the channel of your views with reference to the form and manner in which the object of our common wishes may be carried into effect.—

I have the honor [etc.].

3098

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>2</sup>

WASHINGTON, August 24, 1857.

SIR: I had the honor on the 31<sup>st</sup> of May last to convey to you<sup>3</sup> the desire of Her Majesty's Government to take in common with the United States, some engagements for the neutrality of the Isthmus of Panama and the security of the transit route. Considering the unsatisfactory character of the relations which have meanwhile prevailed between the Cabinets of Washington and Bogota, I am not surprised that this overture has hitherto remained without any official reply on your part.

The Instructions and the Powers which have recently been placed in the hands of General Herran justify me in believing that the matters under discussion between the two governments will find an amicable adjustment, and I am prompted by the presence and the communications of that Minister to bring this subject again under your consideration.

General Herran is charged to inform you of the desire of his Government to negotiate a Convention with the United States Great Britain and France, if the Imperial Government be so disposed, with a view to establishing on a

<sup>1</sup> Presumably Mr. de Sartiges, the French minister to the United States, communicated to his government the substance of a conversation with Secretary Marcy on this subject, since no correspondence between them was found regarding it.

<sup>2</sup> Notes from Great Britain, vol. 34. The receipt date was not indicated.

<sup>3</sup> See above, this part, doc. 3097.

broad and permanent basis the freedom and neutrality of the Territory and transit of Panama. Her Majesty's Government are aware that by The Treaty of 1846, the Government of the United States has, in consideration of certain advantages, and for a limited period, guaranteed that neutrality, and secured to New Granada the rights of Sovereignty and Property which it possesses in the interoceanic Territory. I have not been informed of the precise shape in which Her Majesty's Government desire to consign the engagements of which the general object is indicated above, but I do not doubt that they would willingly adopt the terms of the Treaty of 1846 as the basis of a new common arrangement, giving to those terms such expansion in reference to the franchises of transit, and the duration of the guarantee, as the United States and New Granada might deem desirable.<sup>1</sup> The guarantee

<sup>1</sup> The two documents below, although they did not accompany this note, relate to the subject discussed herein, and were both probably received at the Department at the same time. The first, a copy of a despatch from the British Minister at Washington to the British Secretary of State for Foreign Affairs, Lord Clarendon, intimates that it was to be sent to the Secretary of State in "an unofficial form." This would account for the absence of the usual covering note from the British Minister. The second, a copy of a despatch apparently from the British diplomatic representative in Bogotá to Lord Clarendon has a distinct bearing on the paragraph marked "2", under the third point discussed in the first of these two documents which follow:

*Lord Napier, British Minister to the United States, to Lord Clarendon, British Secretary of State for Foreign Affairs*

WASHINGTON, August 23, 1857.

MY LORD: I am instructed by Y<sup>r</sup> L<sup>d</sup>'s Despatch No 200 of the 31<sup>st</sup> Ult<sup>o</sup> to afford to The Minister of New Granada all the assistance in my power towards promoting a prompt & amicable settlement of the questions at issue between that Gov<sup>mt</sup> & the Cabinet of the U. S. With a view to the execution of Y<sup>r</sup> L<sup>d</sup>'s wishes I have endeavoured in several conversations with G<sup>d</sup> Harran [Herrán?] and the Secretary of State to inform myself of the import of the matters at issue, & I have conveyed to both parties, in an unofficial form, the impressions which I have now the honor to submit to Y<sup>r</sup> L<sup>d</sup>'s judgment.

The discussions which have been opened embrace four distinct topics of controversy which have all grown out of the interoceanic Railroad across the Isthmus of Panama, a work in which the Citizens & the Gov<sup>mt</sup> of the U. S. have a deep financial & political stake & which enjoys considerable privileges & immunities under an elaborate contract with the Granadian Gov<sup>mt</sup>—

In three of the questions under negotiation the Cabinet of Bogota appear as claimants for pecuniary advantages & their pretensions are resisted by the U. S. Gov<sup>mt</sup> in the fourth. The Gov<sup>mt</sup> of the U. S. demands compensation for wrongs, which are denied or extenuated by the Gov<sup>mt</sup> of New Granada.

The Gov<sup>mt</sup> of New Granada desires to impose an additional duty on the transit of Mails, a capitation tax on Passengers, & tonnage duties on Vessels in the Ports which form the termini of the Railway.

The Gov<sup>mt</sup> of the U. S. enforces its rights to pecuniary compensation for injuries inflicted on American subjects & property in the Railway Riots of 1856 & has some other subordinate demands of a similar nature with the particulars of which I am unacquainted.

I. By the 28-29 & 30<sup>th</sup> Articles of the Contract between the Railway C<sup>o</sup> & the Granadian Gov<sup>mt</sup> the C<sup>o</sup> virtually enjoy a monopoly of the transmission of Mails & the privilege of negotiating all contracts and pecuniary agreements with foreign countries in regard to this branch of their traffic.

In consideration of this concession they have engaged to forward the Mails of New Granada free of charge & to pay to that Gov<sup>mt</sup> 5 per cent (never to be less than 10-000 Dollars) on all sums which they may receive on account of postage from Foreign Gov<sup>mts</sup> & other Companies, this payment being in addition to the 3 per cent on the net

Footnote 1, page 711—*Continued*

profits of the undertaking, which, if they, exist at all, depend in a great measure on the postage Dep<sup>mt</sup>

It is not specifically stated that in no case the Gov<sup>mt</sup> of New Granada are to receive any additional revenue or benefit from the transmission of mails, but this may be justly inferred from the general sense & tenor of the contract. If the Gov<sup>mt</sup> of New Granada having originally stipulated for certain advantages had now the right [to?] require at its discretion additional payments or services, the profits of the Company would be endangered, and a breach of faith would be committed with the shareholders, who advanced their funds on the security of a limited & conditional charter.

The Gov<sup>mt</sup> of New Granada urge that their share of the profits is small, that their expectation of national benefits has proved nugatory, & that the administration of postage is one of the indefeasible rights of Sovereignty which is a main source of Revenue in every State.

These arguments are idle.

The Gov<sup>mt</sup> of New Granada have made a partial cession, for a limited period, of their postal rights.

For that cession they have received a stipulated equivalent. If the terms are unfavorable they are not the less valid. It is not true that in all countries, at all times, the Administration of the Posts has yielded a surplus Revenue.

But here, without exertion, without expenditure, the Granadian Gov<sup>mt</sup> are secured in the enjoyment of a clear Revenue of 10-000 Dollars, at the worst, with a contingent increase, from a single branch of their postage System. Nor is it probable that the Railroad Company will concede as a favor what they refuse as a right. The affairs of the Company are not so prosperous as to justify a spontaneous act of generosity. It is commonly stated that the dividends of the enterprise have been hitherto paid with borrowed money, that the outlay on the Route is heavy and incessant, & that the passenger traffic is more likely to fall off than to be augmented. I consequently conceive that the Minister of New Granada will do well to abstain from any further agitation of this claim, which could hardly lead to a satisfactory result, & I believe that His Ex<sup>cy</sup> is himself of the same opinion.

II. A Passenger tax is a transit duty on Travellers; it is most carefully prohibited by the 34<sup>th</sup> article of the Railroad Contract, which has all the validity of Law, having been confirmed by the Congress of New Granada, nor can that contract be in any part repealed or abrogated by the said Congress. It is an obligation mutually binding on the consenting Parties, during the term of its duration, & is regarded by the U. S. Gov<sup>mt</sup> very much in the light of an International engagement.

Even if the contract had been silent in reference to Passengers it would not be becoming in the Gov<sup>mt</sup> of New Granada to lay an Impost on their transit in the form of a capitation tax. Such a duty if payable directly by the Individual is scarcely compatible with the courtesy due to the Citizens of a Friendly Nation, it would be productive of irritation, & could hardly be acceptable to the Gov<sup>mt</sup> of the U. S., whose subjects would thus be chargeable in their movement from one portion of the Union to another by the Route which is at present most accessible & convenient for that purpose.

Such a duty cannot be exacted from the Company, in virtue of the Article above mentioned, but in the absence of such an Article it could still not be justly demanded, for the obligations enumerated in the Contract as binding on the Company must be regarded as final & complete, otherwise a door would be opened to repeated & extravagant requisitions which would be subversive of the whole spirit & intention of the Contract, & ruinous to the enterprise.

In justice to the Congress of New Granada it must be stated that while the recent Law of the 26<sup>th</sup> of June recapitulates a Passenger Tax as one of the sources of Revenue to be applied to the protection of the Transit Route, it makes the requisition of this Tax conditional on the consent of the Company.

The Company will continue to withhold their consent, & this matter will doubtless be withdrawn by Gen<sup>l</sup> Herran from the pending discussion.

III. In the Charter of the Panama Railway Company Tonnage Duties are not specified, & the word "Post Dues" in the English Translation of the 27<sup>th</sup> Article to which Your Lordship's attention was erroneously pointed in my Despatch No 131 of July 5<sup>th</sup> is, I believe allowed to be an inaccurate version of the Spanish Term "estacion en los puertos," which refers rather to locality & term of deposit, than to fiscal immunity. Various articles in the Contract have been cited in support of the exemption from Tonnage duties claimed by the Company, but I am confident that nothing conclusive on this head can be found in that Instrument. General Cass has, indeed, avowed to me

Footnote 1, page 711—*Continued*

that he does not found his resistance on the terms of the contract, but on the tenor of an Act of the New Granadian Congress in the year 1835, & on the terms of the Treaty of 1846 between the United States & the Gov<sup>mt</sup> of New Granada.

By the Act of the Granadian Congress dated March 25<sup>th</sup> 1835, the Ports in the cantons of Portobello & Panama are declared free, & all vessels are relieved from every duty or fiscal exaction whatever, tonnage duties being particularly specified. These immunities are to commence when a Canal or Railway shall have been completed & opened between the two seas & they are to endure for the period of 20 years from that date.

The motive of this liberal enactment was undoubtedly to encourage the investment of foreign Capital in the construction of an Interoceanic route, but it, apparently, remained inoperative, for though various projects were broached it was not till the Year 1848 that the work was actually set on foot by the present Company founded on a Charter containing rights and franchises of a different, or as the Americans assert, of a cumulative Character. If this Law had remained unrepealed it would have been conclusive, & no tonnage Duties could have been levied in the Ports of Panama & Colon until after the expiration of the term of 20 years, counting from the completion of the Railway, but it was revoked by an Act of the New Granadian Legislature of the 25 of June 1856, by which the free Ports of the Isthmus are subjected to the same imposts as those of the rest of the Country, "tonnage dues" being particularly inserted.

If the validity of this Act were unchallenged the pretensions of the Company would go to the ground, but the right of the Granadian Congress to repeal the Law of 1835 is disputed by the United States Govt. They say that the enfranchising Law of 1835 was an engagement on the part of New Granada offered to the people of all countries, that if the Route should be opened, the traffic should in all respects be untrammelled for a stipulated period, that the offer has been accepted by the accomplishment of the enterprise, & that it is now a breach of public faith to impair the franchises of those who have embarked their money on the Credit of a national statute.

General Herran, on the other hand, may contend that the Law of 1835 had practically lapsed, that it had remained for many years sterile, & that the Railway Co. was not framed in consequence of this Law, but positively and merely on the basis of the Contract of 1850, which not only makes no mention of Tonnage Duties, but actually by its 61<sup>st</sup> Art annuls "all the Legislative Acts, decrees & agreements, by which in former years various privileges were granted for the opening of an Interoceanic communication."

The contract has the force of a Law & the Act of 1835 falls among the "Legislative Acts" which are here cancelled.

The argument would now incline to the side of the Granadian Plenipotentiary were it not from an unhappy circumstance which is advantageously if not conclusively cited against him by his antagonist. In the year 1854 the Convention of the Province of Panama imposed a tonnage duty in the Isthmus ports. This measure was protested against by the Gov<sup>mt</sup> of the U. S. & it was declared null & void by the Council of New Granada, the organ of the superior federal Gov<sup>mt</sup>. In their declaration, dated a year after the ratification of the Railway Contract, published, & it is said, communicated to the U. S. Legation at Bogota, it is stated that for various reasons the provincial Convention was incompetent to impose such a tonnage duty on Foreign Vessels, & among others because the federal Law of 1835 forbade it, moreover this declaration cites the Law of 1835 as existing, operative, & as "correlative & intimately connected with" the Railway, thus affirming that the original Law of 1835 not less than the contract of 1850 is the basis on which the enterprise was founded. Nor does the declaration only cite the Act of 1835 as hostile to the imposition of a tonnage duty it refers to the 9<sup>th</sup> & 34<sup>th</sup> articles of the Railway Contract in the same sense. The Cabinet of the U. S. thus convicts General Herran out of the mouth of his own Gov<sup>mt</sup>. The Gen<sup>l</sup> confesses his embarrassment, but still affirms, with some colour of reason, that the declaration of the Council of New Granada has neither the validity of a judicial decision or of a Legislative resolution, that it reserves the right of the *Federal Congress* to repeal the act of 1835, & that this has been affected by the Laws of June 25-1856 & of June 26-1857 which reestablish a tonnage duty in the Isthmus Ports. General Cass with confidence repeats that the original Act of 1835 is in its principle irrevocable, that it was of the nature of a tender, an invitation to the whole world, that it is not affected by any partial arrangement with a private Company, that it exists in full force, & will exist till the prescribed & promised term of 20 years has elapsed. He also turns to the Treaty of 1846 between the U. S. & New Granada & as I am told, points to the 35<sup>th</sup> Article, which grants to

Footnote 1, page 711—*Continued*

Citizens of the U. S. in all the Ports of New Granada including Panama, "all the exemptions privileges & immunities concerning commerce & navigation which *are now*, or may be hereafter enjoyed by Granadian Citizens, Vessels & Merchandize, and that this equality of favors shall be made to extend to the passengers, Correspondence, & Merchandise of the U. S. in their transit from one sea to the other".

At the date of the Treaty to which the word *now* is attached, no tonnage duties were demanded from Granadian Citizens & therefore such duties are proscribed in reference to Americans during the duration of the Treaty which is 20 years.

The Secretary of State, if this be his argument, may appear to lay great stress upon a single word in an Article the scope of which seems to be to secure to American Citizens the same rights which Granadian Citizens may at any time enjoy, but which was probably not intended to fetter the New Granadian Gov<sup>mt</sup> in imposing on both the imposts usual in commercial States, should such become expedient, with the exception of those forbidden by some separate & special engagement such as the Law of 1835, if it be in existence & of an irrevocable nature. What appears certain is that the Treaty of 1846 & the Contract of 1850 are alike designed to secure to the Citizens of the U. S. the rights of free transit across the Isthmus of Panama in the most liberal manner.

Although Tonnage Duties be not in my humble opinion absolutely prohibited in either, & although they be not inserted by that name in the Contract at all, it is obvious that an unlimited impost under that denomination might become equivalent to excessive transit duties on goods & passengers, & thus infringe the sense of both Instruments, & destroy the privileges & profits of the Company.

The Gov<sup>mt</sup> of the U. S. will not, & cannot allow a right in the Gov<sup>mt</sup> of New Granada to impose unlimited Tonnage duties during the term of the treaty & the Contract. The same objection may not lie against a very moderate Tonnage duty circumscribed by Treaty equally applicable to the vessels of New Granada & those of foreign States, & of which the proceeds would be strictly devoted to purposes of local improvement & security.

Should the pending Negotiation issue in the recognition of such a duty, I may presume it would not be disagreeable to H. M. Gov<sup>mt</sup>, who are affected by it as possessing the rights of the most favored nations, & it might be a considerate settlement accorded to the wants as much as to the claims of a poor and weak Republic which is weighed down by a heavy public Debt, by onerous pecuniary liabilities both to America & Great Britain, & by the momentous responsibility of guarding one of the highways of the World.

Should the Gov<sup>mt</sup> of the U. S. however not feel itself at liberty to make the concession indicated, we must not infer that it will refuse to recognise the necessities of New Granada in some other shape & I therefore proceed to examine the means by which the Maritime Powers may afford some financial support to that Republic in conformity with the sense of Your Lordship's Declaration that it "seems only just that in some form or other a revenue sufficient for securing the safety of the Railway, but no more, should be raised by the New Granadian Gov<sup>mt</sup>."

1. The Maritime Powers of which England & America are the chief, might voluntarily concede to New Granada for a term of years the right of levying in the Ports forming the Termini of the Railway a moderate duty on ships loaded with merchandize, passengers, or mails for transit such duty not to be proportioned to the tonnage of the Vessels, & to be strictly applicable to the lighting, cleansing, amelioration, & Police of the 2 ports, & to the protection of the land transit by Railway.

This Impost might be termed a "Transit Safety" or "Transit Protection Duty," the receipts & expenditure might be annually published by the federal Authorities of Granada charged with the supervision of the Route, & in virtue of this concession the Federal Gov<sup>mt</sup> might be bound to maintain a specified number of guards along the line, among whom foreign Citizens might be admitted.

2. The Gov<sup>mt</sup> of England & America might hire from the Gov<sup>mt</sup> of New Granada the use of two Islands, or other localities, in the Bay of Panama, adapted to the purposes of Naval Stations or Depots. The want of such establishments has been declared by the Naval Commanders of both Countries, & the occupation of them might be so guarded as to leave the sovereign rights of New Granada unimpaired.

The rent payable by the two Gov<sup>mts</sup> might also be made applicable to purposes of local utility & protection.

3. The exemption from transit duties, port duties & other imposts which is at present secured in the Ports of the Isthmus for limited periods, by various engagements, might be conceded in perpetuity by the Gov<sup>mt</sup> of New Granada to the Maritime Powers, on

Footnote 1, page 711—*Continued*

the payment by Great Britain & the U. S., of a moderate indemnity, which would be applicable to the liquidation of the liabilities to which New Granada is now subjected, & to, other national objects. Such perpetual exemption, should be stipulated for not only on behalf of the present Ports on the Isthmus, but for any other Ports or places which may become the termini of any future Inter-oceanic passage across the Granadian Territory.

In addition to these three sources of pecuniary benefit which the interest or good will of the Maritime Powers might open to New Granada, she has at least two others of which she may avail herself, the imposition of duties on commodities imported into the Province of Panama for domestic consumption, a right which is reserved to the Gov<sup>mt</sup> of New Granada by the terms of the Railway Contract but which has hitherto not been exercised from motives of liberality or convenience.

From this source the Federal Gov<sup>mt</sup> might legitimately derive a considerable revenue.

2— The alienation of her eventual right to the purchase or resumption of the Railway secured under the 2<sup>d</sup> article of the Contract with the Company. It has been suggested that the Gov<sup>mt</sup> of the U. S. or that of Great Britain, or both together, might buy up the rights of the Gov<sup>mt</sup> of New Granada in this respect, & thus enter into possession & administration of the Railway at the expiration of the term to which it is secured to the existing Company.

I do not advocate this expedient for raising money. The joint administration of the Railway by the two Chief Maritime Powers or by a greater number, would probably be found impracticable, & the possession of the Railway by the U. S. Gov<sup>mt</sup>, or that of Great Britain alone, would be prejudicial to the great principle of neutrality to which both adhere, & to the spirit of the last article of the Treaty of 1850 commonly called the "Clayton Bulwer Treaty" which contemplates a joint benevolent protection & encouragement on the part of both Powers in regard to the Routes "by the way of Tehuantepec or Panama," but which does not allude to the possession or administration of those Routes by either, or both.

The Administration of the Transit Route across the Territory of New Granada by a Foreign Gov<sup>mt</sup> would also scarcely prove compatible with her dignity & independence as a Sovereign Power.

Finally it may be doubted whether the eventual rights of New Granada to the succession of the Railway would be worth having, at any price, for that Route may, not improbably, be superseded by others more available for the different branches of traffic & emigration.

IV. The fourth question at issue between the U. S. & New Granada is that of the amount of indemnity due by the latter on account of the riots on the Panama Railway in 1856, & with reference to some other claims of less importance. I have already had the honor of acquainting Your Lordship that the U. S. Gov<sup>mt</sup> have consented to the nomination of Commissioners for the regulation of this affair. The Commissioners will be empowered to select an umpire in case of disagreement, and it is not improbable that the arbiter may be chosen in the Diplomatic body resident at Washington. It is yet unsettled, I believe, whether the Commission will be named under a separate Treaty, or whether this arrangement will form one of the stipulations of a Convention comprising all the subjects under discussion.

The principle of equal and dispassionate investigation having been now adopted there is no doubt that the sum of the pecuniary liabilities of the Granadian Gov<sup>mt</sup> will be easily tested, while the benevolent inclinations which characterize the Secretary of State & the discretion which is apparent in the conduct of General Herran, justify one in anticipating an amicable adjustment of all the matters in dispute.

I do not know that I can better fulfill the tenor of Your Lordship's Instructions than by imparting to either party, in an unofficial form, a Copy of these remarks, & I trust that they will recognise in this communication an imperfect expression of the friendly sentiments & Intentions of H. M's Gov<sup>mt</sup>.

I have [etc.].

*Phillip Griffith, British Chargé d' Affaires at Bogotá, to Lord Clarendon, British Secretary of State for Foreign Affairs*

BOGOTÁ, June 23, 1857.

MY LORD: Having within the last few months been informed, by M<sup>r</sup> Consul Perry, in a private Letter, that the Commander in Chief of H. M. Naval Forces in the Pacific was desirous to obtain from the Gov<sup>t</sup> of New Granada the lease of one of the Islands in



of the United States is indeed a powerful support to the Government of New Granada and a discouragement to those, if such there be, who aim at the dismemberment of that confederation, but the combination of America and England for the same object, or that of the Maritime Powers in general, would no doubt establish a higher degree of confidence, and render any measures which it might be necessary to embrace hereafter for the Peace of the Isthmus, more easy to the contracting Parties, more agreeable to New Granada, and more satisfactory to the Commercial interests of the World.

I have the honor [etc.]

3099

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, October 9, 1857.

SIR: The Government of the United States have manifested a just solicitude for the settlement of the relations between Nicaragua and Costa Rica on such terms and with such guarantees as may enable a free transit by the River San Juan to be restored and protected.—Her Majesty's Government have the same object at heart, and would gladly coincide in measures tending to this desirable end and acceptable to the American Cabinet.

Costa Rica has peculiar claims on the sympathy of Great Britain. With

the Bay of Panama for the establishment of a Naval Dépôt for the Pacific Squadron; and a favorable opportunity having presented itself of ascertaining the feelings of the New Granadian Gov<sup>t</sup> on this matter, by the offer which the New Granadian Secretary of State for Foreign Affairs had made (as reported in my Despatch to Your Lordship N<sup>o</sup> 61 of the 28<sup>th</sup> ult.) after the settlement of the Mackintosh question, of Ports for the use of H. M. Naval Forces in the Pacific and Atlantic Oceans, I enquired of D<sup>r</sup> Pardo, on the 22<sup>nd</sup> Inst, whether the New Granadian Gov<sup>t</sup> would have any objection to grant the lease of the Island of Taboga which, from its situation, appeared the best suited for the purpose required, suggesting at the same time that as the Gov<sup>t</sup> of the United States also entertained a desire to have a Naval Dépôt on one of the Islands in the Bay of Panama, and as funds were required for the maintenance of an armed force on the Isthmus of Panama for the protection of the Railroad, a proposal should be made to the Gov<sup>ts</sup> of Great Britain and the United States that the lease of a separate Island should be offered to each of them, the rent of which should be applied to the above purpose.

D<sup>r</sup> Pardo, in reply, stated that he apprehended no opposition to this proposal either from the Executive Power or from Congress, provided as a compensation, that H. M. Gov<sup>t</sup> should engage to defend the Isthmus against any invasion by bucaniers; he added that, under other circumstances, he would have stipulated for no other condition than the payment of a moderate rent, but that in the present situation of affairs, any arrangement connected with the Isthmus of Panama and the adjacent Islands, should be included in the negotiations about to be opened for the settlement of the question of the Isthmus. D<sup>r</sup> Pardo concluded by stating that the New Granadian Envoy should be instructed by this Post to confer with Your Lordship on this subject, should your Lordship so desire it.

I beg to mention that Rear Admiral Sir Houston Stewart also informed me, unofficially, that a Naval Dépôt on one of the Islands in the Bay of Panama, for the use of H. M. Squadron in Pacific, was very desirable.

I have [etc.].

Notes from Great Britain, vol. 35. Received October 12.

a limited territory and a small population that Republic has shewn more than usual punctuality in fulfilling her pecuniary liabilities towards Her Majesty's subjects.—She has also evinced a respectable stability of internal administration the results of which are apparent in a considerable export trade directed to England, and a proportionate consumption of British Manufacturers.—The cordiality with which Costa Rica is regarded by Her Majesty's Government has however nothing in it of a partial or exclusive nature. The Government of Nicaragua possesses all the claims of an independent and friendly power to the good will of Great Britain and those claims are not diminished but strengthened by the vicissitudes and miseries which she has lately undergone. The appreciation which Her Majesty's Government entertain of the fidelity and conduct of Costa Rica would indeed, cause them to regret the more any deviation on her part from justice and true policy such as might be exhibited in a usurping or exacting spirit towards her less fortunate neighbour.—Her Majesty's Government would deprecate such a course and happily there is not reason to apprehend that the pretensions of Costa Rica will be urged with intemperance or enforced by violence.

The policy of England points solely to the maintenance of peace in those regions by which the freedom of transit, the interests of trade, and the welfare of the native population may be secured.

To perpetuate the present tranquillity of the country and its attendant advantages three things seem particularly requisite; 1, the negotiation of a Treaty between Nicaragua and Costa Rica for the regulation of their respective Frontiers and the navigation of the River,—2, the formation of a competent association for the organization of the transit service,—3, the protection of both Republics from the irruption of foreign adventurers.—

1. With reference to an eventual treaty between Nicaragua and Costa Rica for the reconciliation of their rival pretensions to territory and jurisdiction I am not aware that Her Majesty's Government have expressed any definitive opinions. I am under the impression that they would gladly see those questions dealt with not so much by reference to ancient titles as on the basis of local convenience and general expediency.—They would also desire that any settlement hereafter made should be made freely on both sides, without any imputation of compulsion or ascendancy and that it should be discussed with the concurrence and confirmed by the sanction of Great Britain and the United States.—An arrangement which should, as far as possible identify the frontier of Costa Rica with the Southern Shore of the lake of Nicaragua and the right bank of the river San Juan would appear most conformable to the principles indicated above, and if amicably concluded, most conducive to the general good. Those are the boundaries defined by nature and they would probably be agreeable to the wishes of the inhabitants.—

The navigation of the River San Juan and its tributaries which traverse the territory of Costa Rica is essential to the development of a commerce which has hitherto chiefly flowed towards Great Britain but of which the United States will undoubtedly take a larger share in future. An arrangement which would deprive Costa Rica of a free débouché for her coffee and other produce could not be satisfactory to Her Majesty's Government nor could it be reconciled to the liberal principles of river trade invoked by Great Britain and the United States in other quarters.—

The Jurisdiction or Sovereignty of the River, and consequently of the interoceanic transit, has, in recent discussion, apparently been vested by the consent of Great Britain and the United States in the Government of Nicaragua. Her Majesty's Government may regret that authority and obligations so important are not deposited with a Government more vigorous and undisturbed, and they might also think it preferable in some respects, to strengthen the hands of Nicaragua by the association of Costa Rica in regulating and defending that great avenue of traffic and passage. Her Majesty's Government will however be sensible that there are some benefits attached to dealing with a single Government in respect to transit rights. They are also aware that the Government of the United States are already committed to their own Citizens as well as to Nicaragua in this matter and that they may naturally be unwilling to complicate their correspondence by the admission of new parties to pending discussions. In acceding to the views of the United States on this point Her Majesty's Government would therefore not deviate from the sense of former declarations, they would adopt a resolution recommended by some motives of a valid character, and they would be faithful to the Treaty of 1850<sup>1</sup> which contemplates a harmonious course of action and counsel between the contracting parties in the settlement of Central American interests.

2. The formation of a Commercial Company capable of providing at once for the wants of the ocean line, as well as for the river transit in a provisional manner, and ready to contract for the eventual improvement of the latter in the shape of a canal or railway is a project which Her Majesty's Government could not fail to approve. If the seat and direction of such a company should be established in the United States the supervision of their relations with the Government of Nicaragua would especially devolve on the American Government, but the Capital invested would eventually be drawn in part from British Sources, Her Majesty's subjects as Shareholders, traders and emigrants would ever be interested in the Undertaking, and if the terms of the concession to the Transit Company were so guarded as to prevent its privilege being used as the Shield of illicit projects, the enterprize would enjoy whatever good offices Her Majesty's Government might under the circumstances, be enabled to bestow.

<sup>1</sup> Clayton-Bulwer Treaty.

3. It is obvious that the most comprehensive reconciliation of Costa Rica and Nicaragua, accompanied by the reestablishment of the Transit Service by a respectable company under the auspices of the United States or England or both, would still be inoperative for the welfare of those countries if they should continue to labour under apprehensions of invasion. It is superfluous to enlarge upon the calamities which the States in question have experienced from civil war and foreign adventurers. Of the native population not less than 40,000 are computed to have perished in the conflicts of the last two years while more than 6000 Strangers have sacrificed their lives in the prosecution of criminal or visionary aims. The destruction of property, the suspension of industry, the sacrifice of civilization, virtue and happiness the diffusion of wrong and suffering incidental to such a struggle are more easily imagined than described. Yet if public rumour may be credited the perpetration of the same evil is again meditated by the same agents.—I am informed that more than 2000 men have been enrolled for the invasion of Central America, funds have been subscribed to the amount of 250,000 dollars, arms have been purchased and overtures are being made to proprietors of shipping for the transport of the force to the scene of action. The descent will probably be attempted at some point on the Bay of Chiriqui variously stated to belong to New Granada or Costa Rica but close to the frontier of the latter. By some accounts the flag of Nicaragua will be assumed by the expeditionary band, by others the colours of the United States will be adopted. In anticipation of the apprehended contingency it is reported that the Government of the United States, in addition to certain domestic precautions, have issued instructions to the Commanders of their Vessels of War in Central American Waters to protect the threatened coasts from attack.—

What resolutions Her Majesty's Government may embrace I am not enabled to state but the general tenor of their sentiments does not admit of doubt. They cannot see with indifference the violation of New Granadian Territory which they are about to guarantee, or the oppression of Costa Rica an industrious and unoffending State, or to the destruction of a lucrative branch of British Trade, or to the Suspension of interoceanic traffic which they are engaged by Treaty to promote and protect. They would consequently learn with the highest satisfaction that the Government of the United States have it in contemplation to discourage and prevent the projected incursion. Under this safeguard the tranquillity of the Isthmus would be confirmed and time would be afforded to mature those measures of concession and adjustment to which the attention of Her Majesty's Government is directed.—

In addressing you on this occasion it is my desire to restate with greater formality the substance of those communications which have hitherto been conveyed to you in conversation in order that, whatever may occur, a record

may not be wanting of the benevolent and dispassionate views of Her Majesty's Government for the settlement of Central American Controversies.—

I have the honor [etc.].

3100

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 77

LONDON, October 16, 1857.

Sir William G. Ouseley, formerly in our country, has just been instructed by this Government to proceed as early as he can, on a special mission, first to Washington, and thence to "Central America". He was good enough to call upon me as soon as his appointment was definitively proffered and accepted, and to mention his inability to take his departure in less than two or three weeks. He hoped to reach Washington by the middle of November. The precise purpose of his mission, he did not appear to have mastered:—at least, he failed to convey to me an exact impression of it. The vague description was that of "a special mission on the subject of Central America". I must confess that it strikes me as rather indicative of a fresh desire to adjust the conflict of construction on the Clayton-Bulwer Treaty: to make a new step in advance, and thus open the way, without startling the pride of consistency, to a final, though doubtless reluctant, concession of a most unfounded interpretation.

I have the honor [etc.].

3101

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>2</sup>

WASHINGTON, November 30, 1857.

SIR: It is not necessary to revert at length to the several overtures which have been made by the Government of Great Britain and that of the United States for the adjustment of those embarrassments which have resulted from the conflicting constructions placed by either party on the Treaty of 1850 for the regulation of Central American Affairs.—

The supplementary convention negotiated between the Earl of Clarendon and Mr Dallas in the month of October 1856, contained stipulations, or involved admissions, which rendered it unacceptable in its original form to the Senate of the United States; the altered version which received the

<sup>1</sup> Despatches, Great Britain, vol. 71. Received October 29.

The omitted portion relates to several matters that do not concern inter-American affairs.

<sup>2</sup> Notes from Great Britain, vol. 35. Received December 1.

ratification of the President failed in a single point to satisfy Her Majesty's Government, and the same instrument with an additional provision deemed indispensable by the Cabinet of Great Britain, was, on account of that very modification declined by the American Government.

The method of direct negotiation having been attempted in vain, and the necessity of an early solution to these difficulties being, with a view to the Transit, more than ever apparent, Her Majesty's Government have directed their attention to some other expedient by which the impediments to a harmonious understanding may be removed, and the Treaty rendered acceptable to both Countries as well as operative for the disinterested and useful purposes which it had been designed to serve.

After due consideration of the several alternatives of action which were open to their choice Her Majesty's Government have resolved to accredit to the several States of Central America a Special Commissioner charged with the duty of negotiating arrangements conformable in general character to those contemplated by the Treaty signed by the Secretary of State for Foreign Affairs and the United States Minister in 1856, but subject to certain modifications which may be consistent with the just claims of the Central American Republics, with the general welfare of Trade, with the vested interests of British subjects, and which will be, at the same time, agreeable to the wishes of the United States.

The specific objects of the Mission entrusted to Sir William Ouseley, who has been selected by Her Majesty for this duty, will be the cession of the Bay Islands to the Republic of Honduras; the localization of the Mosquito Indians under the Sovereignty of Nicaragua, and the definition of the boundaries of British Honduras.—Her Majesty's Envoy is also instructed to devote his best efforts to promote friendly relations between the Governments of Central America, which have every motive for concord and even for confederation, but which have, hitherto, wasted their energies and sacrificed their prosperity in jealousies and strife.—

1. The transfer of the Bay Islands to the Government of Honduras was recognized by the Treaty of 1856, mentioned above, and the conditions of this cession were consigned in a Treaty between Great Britain and Honduras which has been communicated to the Government of the United States, but which has not been ratified by the contracting parties.—By that Treaty Her Majesty's Government intended to convey the Islands in full Sovereignty to the Republic of Honduras but to provide for them such a measure of municipal independence and self government as might secure Her Majesty's subjects in the enjoyment and improvement of their possessions, and develop the resources of the Islands which may be destined to attain, hereafter, some commercial importance as an entrepot in connection with the projected inter-oceanic Railway.—In looking to these reasonable and salutary ends it is, however, probable that the intervention of the Honduras Government in

the administration of the Islands may have been more limited than was necessary or even advisable.—Her Majesty's Government in relinquishing the Bay Islands are far from desiring that they should remain defenceless or become independent.—Sir William Ouseley is not bound down to the terms of the original Treaty; he is at liberty to contract engagements with Honduras which shall embody not only an unmistakeable recognition of its Sovereignty over the Islands, but shall allow of the more direct Government and more efficient protection of the latter by that Republic.—The transfer of the Islands will not be unconditional but it will be unambiguous. The Government of Honduras will obtain not only a titular but a virtual and useful possession under provisions requisite for the security of those who have settled there with the assurance of protection from the British Crown, and favorable to the expansion of that traffic which the Transit Route is expected to create.

2. In framing stipulations for the compensation, the government, and the preservation of the Mosquito Indians under the Sovereignty of Nicaragua, Sir William Ouseley will be guided by the provisions of the Treaty of 1856, which although it did not acquire the validity of an international engagement may on this point be held to express the policy and opinions of the contracting parties.—The limits of the territorial reserve may be subject to modifications, but the boundaries proposed to Nicaragua and Honduras will certainly not be less favourable than those indicated by the Treaty alluded to, they will in no degree trespass on the territory applicable to Transit purposes, and in the settlement of details Her Majesty's Envoy will grant an indulgent consideration to the wishes and necessities of the Central American Governments where they are compatible with the safety and the welfare of those Native Tribes which have previously enjoyed the protectorate of the British Crown.

3. The regulation of the frontier of British Honduras will be effected by negotiation with the Government of Guatemala. Her Majesty's Government trusts to obtain from this Republic a recognition of limits, which if we may judge from previous communications on this subject may be accepted in a spirit of conciliation if not with absolute approval by the President.—

Such is, in outline, the basis of the negotiation committed to Sir William Ouseley as far as regards the construction and execution of the provisions of the Clayton Bulwer Treaty.—The interpretation of that instrument thus practically sanctioned by Her Majesty's Government may not strictly coincide with that which is adopted, no doubt in perfect sincerity, by the United States;—but the present resolution of Her Majesty's Government involves no slight relaxation of the sense in which with equal good faith, the engagements of 1850 were contracted by Great Britain. It is hoped that the concessions of Her Majesty's Government will be met in a similar temper by the Government of the United States, that the Mission of Sir William Ouseley

will be regarded with benevolence, and that, if successfully accomplished, its results will be embraced as an honorable compromise of contending opinions, and as a definitive settlement of those disputed points which have so long attracted the anxious attention of our respective Governments.

That portion of Sir William Ouseley's Instructions which has reference to the exercise of a friendly mediation between the Central American Governments is necessarily of a general character.—There are questions of disputed boundary, rights of transit, and rights of navigation, in which the good offices of Her Majesty's Envoy may, if freely sought, be usefully practised; there are sentiments of reconciliation and cordiality to be infused which may ripen in time to a more formal Union fraught with benefits to a people who in their separate States have a community of race, language, religion, and institutions. Much will, of course, depend upon the posture of affairs when Sir William Ouseley reaches his official destination.— His proceedings will certainly manifest that Great Britain has no views of territorial acquisition or of exclusive privilege, that her solicitude is entirely pointed to the neutrality, protection and enfranchisement of the Transit Routes for the equal benefit of every nation, accompanied if possible by some safeguard and compensation for the feeble Governments to whom these important avenues of traffic have fallen with a burden of responsibility, expenditure, and defence which they are little able to bear.—

If in the prosecution of such objects as I have named, Her Majesty's Commissioner should have the benefit of the presence and assistance of a United States Agent of corresponding disposition and powers there is every reason to believe that the liberal and unselfish policy to which both Governments are alike pledged in Central America would be materially advanced.—

I have thus imparted to you a frank exposition of the motives which have prompted Her Majesty's Government in dispatching Sir William Ouseley to the Republics of Central America, and of the principles which will shape his conduct in his correspondence with those States. In conclusion, I can only express my hope that the new enterprize of Walker and his confederates, which threatens a disturbance of the tranquillity so lately established, may not retard or frustrate the purposes of this Mission; and that the pending negotiations of the United States for the security of interoceanic transit may in the opinion of Her Majesty's Government be reconcilable with those which their Representative is charged to undertake.

I have the honor [etc.].



3102

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, November 30, 1857.

The Undersigned, Her Britannic Majesty's Envoy Extraordinary, and Minister Plenipotentiary, had the honor in a letter of this day's date,<sup>2</sup> to impart to the Secretary of State of the United States an outline of the Instructions under which Sir William Gore Ouseley has been despatched by Her Majesty's Government to the Republic of Central America, charged with the duty of negotiating a settlement of the various points respecting which the Governments of Great Britain and the United States are at variance in that quarter— This course has been adopted by Her Majesty's Government with the view of carrying the Treaty of 1850 into execution in a manner consistent with the freedom and neutrality of the Transit Routes; compatible with the interests of those who have hitherto enjoyed the protection of the British Crown, and at the same time, acceptable to the United States. It is hoped that by this measure the conflicting constructions of the Treaty of 1850 may practically be reconciled, and that that instrument may be rendered efficient for the important purposes which it was designed to serve—

The Government of the United States are, however, aware that Her Majesty's Government have long been willing to refer the controverted points in the Treaty of 1850, to the arbitration of a disinterested third party— This proposal has not been pressed upon the Government of the United States, because it has been supposed that another mode of arrangement might be more agreeable to them. Her Majesty's Government are of opinion still that if there ever was a case in which the salutary principle of arbitration would be advantageously employed, it is the one in question, and that the time has now arrived when this manifestation of their conciliatory and disinterested intentions should be repeated in a more formal and emphatic manner. The Undersigned, is accordingly instructed to convey to the Secretary of State an offer to refer the interpretation of the disputed clauses of the Treaty of 1850, without any reservation, to the decision of any European Power whom the Government of the United States may prefer to select.<sup>3</sup>

The Undersigned [etc.]

<sup>1</sup> Notes from Great Britain, vol. 35. Received December 1.

<sup>2</sup> Above, this part, doc. 3101.

<sup>3</sup> The instruction to the British Minister on this subject, dated November 13, 1857, did not accompany this note, but was found in the same manuscript volume. It was one of four papers listed in a memorandum, dated April 7, 1858, which briefly stated, "Lord Napier reclaimed the following papers, which he had left here for information, under an injunction against copies." This would place the receipt of these documents, apparently unofficially communicated to the Department, between the end of November, 1857, and the beginning of April, 1858. The other three papers listed were despatches from the British Minister to his

Footnote 3, page 724—*Continued*

government, dated October 22, 24, and 27, 1857, which also relate to the adjustment of the Central American question. All four documents follow chronologically:

*Lord Napier, British Minister to the United States, to Lord Clarendon, British Secretary of State for Foreign Affairs*

No. 221—Confidential.

WASHINGTON, October 22, 1857.

MY LORD: On receiving an intimation from your Lordship that Her Majesty's Government had determined to send out a Special Minister to Central America with the view of adjusting the questions under discussion in that quarter, I sought an interview with the President for the purpose of communicating this intelligence to His Excellency.

The President received me on the afternoon of the 19th inst. and I was enabled to report to Your Lordship by the mail of the same day, in a private form, the substance of a conversation which I have now the honor to submit to Your Lordship with more accuracy and extension.

I stated to the President that since the failure of the late overtures consequent on the non-ratification of the Treaty of 1856, Her Majesty's Government had considered the several alternatives of action which were open to their selection, and on a review of the whole case had resolved to dispatch a Representative of authority and experience to Central America charged to make a definitive settlement of all the matters with regard to which the United States and England were still at variance.— This conclusion had been embraced for some time past and the delay which had occurred was referable partly to the difficulty of selecting a competent person for a duty which involved much personal inconvenience and demanded peculiar qualifications, and partly to the nature of the intelligence from India which had of late absorbed the attention of the English Cabinet.—

H. M. Gov<sup>t</sup> had, however, now appointed Sir William Gore Ouseley for the service alluded to, and felt the greater satisfaction in doing so because he was intimately known to the President and enjoyed his good opinion.

I could not state exactly the character of the instructions with which Sir W. Ouseley would be charged, but I might infer from all that had reached me that they would virtually be to the following effect.

The efforts of the new Plenipotentiary would be directed to those objects which had been dealt with in the Treaty of 1856 now laid aside, viz, the cession of the Bay Islands to Honduras, the substitution of the sovereignty of Nicaragua for the protectorate of England in Mosquitia, and the Regulation of the frontiers of Belize. In short, I believe it was the intention of H. M. Gov<sup>t</sup> to "carry the Clayton-Bulwer Treaty into execution according to the general tenor of the interpretation put upon it by the United States, but to do so by separate negotiation with the Central American republics in lieu of a direct engagement with the federal government." ?

The President commenced his observations by referring to the Clayton-Bulwer Treaty as a fruitful source of misunderstanding between the contracting Parties. Without that Treaty the United States and Great Britain might long since have cooperated for the welfare of Central America, that Treaty had never been acceptable to the People of the U. S. and would not have obtained a vote in the Senate had the least suspicion existed of the sense in which it was to be construed by Great Britain, yet, if it were now the intention of H. M. Gov<sup>t</sup> to execute it according to the American interpretation that was as much as he could insist upon.— In any arrangement entered into with this purpose he must however remark that the Gov<sup>t</sup> of the U. S. could not recognize as satisfactory the cession of the Bay Islands to Honduras with stipulations similar to those contained in the Treaty lately negotiated between England and that Republic, which left the Bay Islands as much under the protection of Great Britain as Mosquitia; He did not know what had become of that Treaty?

I replied that I understood Your Lordship had been in correspondence with the Minister of Honduras at Paris regarding the Convention in question. I felt convinced it had been the intention of H. M. Gov<sup>t</sup> to deliver the Islands to Honduras in full sovereignty and that the franchises awarded to them by the Treaty were designed for the freedom of Trade, the protection of the vested interests of British subjects, and the welfare of the inhabitants.— I added that His Excellency was well aware of the convictions conscientiously held in England respecting slavery and of the respect which H. M. Gov<sup>t</sup> owed to public feeling on that subject.— I might plainly affirm that a principal motive in framing securities for the after Government of the Bay Islands had been the apprehension that when relinquished by the English authorities those Islands

Footnote 3, page 724—*Continued*

would be settled by Planters from the U. S. who would bring their negroes with them and thus establish slavery on soil which had, justly or unjustly, been declared to be a colonial dependency of Great Britain.— Her Majesty's Government moreover regarded the Bay Islands as forming, in a manner, one of the termini of the Honduras Transit route and therefore desired to see them endowed with the privileges of a free port, the Island of Tigre in the Gulf of Fonseca [Fonseca], at the other extremity, having long possessed those immunities. The President contended that the stipulations were uncalled for, and that H. M. Govt might have surrendered the Islands freely and subsequently enforced on the Govt of Honduras a due respect to the claims of British settlers.

In reply to His Excellency I allowed that the Articles establishing the administrative independence of the Islands might have been larger, than was necessary.— I had observed the same impression in the correspondence of Mr. Wyke, H. M. Chargé d'Affaires at Guatemala, who seemed to admit that a greater participation in the internal Govt might be granted to the authorities of Honduras, that I made no doubt H. M. Govt would entertain any reasonable suggestions which might be afforded to them in that sense; as far as I knew the discussion was not closed, and Sir William Ouseley would probably have power to enter upon it in a liberal spirit.

I then went on to animadvert upon the danger of some movement in the approaching Congress which would interfere with the contemporary negotiation of Sir William Ouseley, remarking that should the President in his message allude to the position of the two countries in reference to Central America and if in consequence of His Excellency's reflections a resolution should be proposed for the abrogation of the Clayton-Bulwer Treaty, such a step would not only frustrate the purposes of Sir William Ouseley's mission but would have a calamitous influence on the future relations of England and America. It would therefore be highly gratifying to me to be enabled to assure Your Lordship that pending the negotiation entrusted to Sir William Ouseley, no proposal to annul the Treaty would be sanctioned or encouraged by His Excellency or by the members of his Government.

The President stated in reply that it was certainly his intention to give an account in his message of all that had passed between the two governments respecting the Dallas-Clarendon Treaty,—he appeared to intimate that the effect of such a narrative would be to place the conduct of Great Britain in an unfavorable light, and he added that the passage in which he commented upon these transactions was already prepared, but His Excellency went on to affirm with emphasis that if the resolutions of Her Majesty's Government were such as I had related, if they really meant to execute the Clayton-Bulwer Treaty according to the American interpretation, and would before the meeting of Congress make some communication to him in that sense, such as he could use, he would cancel what he had written and insert another passage referring to the mission of Sir William Ouseley, and that "nothing would give him greater pleasure than to add the expression of his sincere and ardent wish for the maintenance of friendly relations between the two Countries."

His Excellency also distinctly declared that under the circumstances here described, no attempt against the Clayton-Bulwer Treaty in Congress would have any countenance from him whatever, to him it was indifferent whether the concession contemplated by Her M. Govt were consigned to a direct engagement between England and the United States, or to Treaties between the former and the Central American Republics, the latter method might in some respects be even more agreeable to him, and he thought it would be more convenient to H. M. Govt who might with greater facility accede to the claims of the weaker party.—

I thanked the President for his assurances and expressed my hope that Your Lordship would be enabled to make a full communication of Sir W. Ouseley's Instructions to the American Cabinet, and even to direct that Minister to visit Washington on his way to Central America if His Excellency thought such a step would be advisable.—The President replied that a written communication would be sufficient even if it reached him a few days before the meeting of Congress.

In the course of this interview the President touched incidentally upon the Honduras Railway which he trusted might prove a successful enterprise although the impressions which reached him were unfavorable to its practicability or at least to its profitable execution.— In this sentiment I concurred with the President and avowed my apprehension that the undertaking would be the grave of a vast amount of British capital which had been already so extensively wasted on the American Continents.

Allusion having been made to the relations of Costa Rica and Nicaragua the President

Footnote 3, page 724—*Continued*

asserted that the U. S. aimed at no exclusive privileges and at no possession in that region, their interests and those of Great Britain were identical.— I answered that such had always been my persuasion and my language, and that the parties who had obtained concessions from Costa Rica for the transit or the navigation of the River San Juan acted, in my belief, without any sanction or authority from H. M. Govt.—The jurisdiction of the Transit was vested in Nicaragua, but H. M. Govt! I thought would desire to secure the beneficial use of the River to Costa Rica for the purposes of import and export trade, a claim which seemed equitable and consistent with the views of the United States with reference to the navigation of the Amazon.

I have the pleasure of reporting to Y. L. that the President took occasion to declare his satisfaction in the sympathy which had been displayed throughout the United States towards England since the outbreak of the Indian Mutiny and his own confidence in the success of Her Majesty's Arms which was to be desired in the interest of the natives of Hindostan.

At the conclusion of the interview as I rose to take my leave the President resumed the subject and said, "I shall be satisfied on condition that the British Government sends a Minister to Central America instructed to settle all the questions which have been controverted between the two Govts! according to the American construction of the Treaty, and upon receiving an official assurance to this effect I shall change the character of my message."—

In affirming the present policy of Her Majesty's Government to be, "*the execution of the Clayton-Bulwer Treaty according to the general tenor of the interpretation placed upon it by the United States*,"—I trust that I have not misconstrued the views of Her Majesty's Government in the Mission of Sir William Ouseley. I am careful in my language on this subject to mark that I spoke on a broad impression of Your Lordship's intentions, and not on a particular official knowledge of the decision of H. M. Govt! I need not add that the engagements of the President do not depend in any degree on what I have hazarded on my own responsibility, but are altogether contingent on the nature of the communication which His Excellency may receive before the 4th of next December when Congress will assemble.—

It may be right to add that I availed myself of this opportunity to acquaint the President that a communication had been made to Mr. Dallas to the effect that the conduct of Captain Moresby in the seizure of the "Panchita" had been disapproved of by the Admiral commanding on the coast of Africa as well as by the Admiralty and that the above-mentioned officer had been removed from the Station; the President appeared to regard this intelligence as very satisfactory.

I have [etc.].

*Lord Napier, British Minister to the United States, to Lord Clarendon, British Secretary of State for Foreign Affairs*

No. 222—Confidential.

WASHINGTON, October 24, 1857.

MY LORD: Having occasion yesterday evening to call upon the Pte. Sec<sup>y</sup> of the President H. Ex. heard that I was in the House, and did me the honor to invite me into his apartment.

I availed myself of this occasion to recur to the subjects which were touched upon in a previous conversation reported to Y. L. in my despatch No. 221 of the 19<sup>th</sup> inst.—[His No. 221 was dated October 22, and is above, in this footnote.—Ed.] my object being to obtain further elucidation of the opinions of the President with reference to the adjustment of the Clayton Bulwer Treaty, a duty which I understand to be entrusted to Sir William Gore Ouseley as H. M. Special Minister in Central America.

I had previously ventured to affirm that in my belief the instructions of Sir W. Ouseley would in fact enable him to sanction the execution of the Treaty in question by direct arrangements with the Central American Republics in conformity with the general tenor of the interpretation placed upon it by the United States.

The President had made me certain assurances conditional on receiving a definite declaration from H. M. Govt!

It was therefore important to know what is the sense attached to the Clayton Bulwer Treaty by the Government of the U. S.

The conversation which ensued upon this question was of a desultory kind, and scarcely susceptible of continuous recapitulation. I believe I may, however, submit the following statement to Y. L. as correctly embodying the sentiments of the President.

The Govt! of the U. S. expect

Footnote 3, page 724—*Continued*

1<sup>st</sup> the surrender of the Bay Islands to Honduras in the condition in which they were when Col. Macdonald, H. M. Superintendent at Belize, took possession of them;  
2<sup>nd</sup> the substitution of Nicaraguan Sovereignty for British Protectorate in Mosquitia;  
3<sup>d</sup> by the regulation of the boundaries of Belize.

The first question is the most important and excites the greatest interest in the U. S. The President entertains the strongest opinions on this point, and believes that even the construction put upon the Treaty of 1850 by the British Gov<sup>t</sup> involves the relinquishment of these Islands.

H. E. does not assert that the delivery of the Islands must be absolutely naked and unconditional, but he evidently desires that it should be as unequivocal as possible, and think [*sic*] that the vested interests of British subjects might be well protected after the cession by the usual diplomatic intervention of H. M. Gov<sup>t</sup>. Stipulations similar to those contained in the late unratified Treaty between Great Britain and Honduras would not be regarded by him as satisfactory. The Islands would still remain practically under the protectorate of Great Britain.

The settlement of Mosquitia offers less difficulty. The principle of the sovereignty of Nicaragua being once conceded, and the British Protectorate withdrawn, any provisions compatible with these conditions, for the protection of the Indians in their local freedom, and in their right of occupancy within a limited district according to the usage of the British and American Gov<sup>ts</sup> in relation to the Indians, would be acceptable to the United States.—The present King or chief might remain chief under sovereignty of the Republic, and the extension of the reserved territory might be arranged between Great Britain and Nicaragua according to their view of the necessities of the case, provided always that the transit route be not interfered with.

In commenting upon the delimitation of the Belize Colony the President referred to the origin of that settlement which was a right of use, under the crown of Spain, and not a possession in full sovereignty, but he said that no one now expected the British Government to give it up. All that was asked was that England should confine herself within the limits, which actually constituted the original territory of Belize— In his opinion the tract between the Siboon and Sarstoon had been simply usurped by the mahogany cutters without the least color of title or authority, and that this region should be surrendered. H. M. Gov<sup>t</sup> might make stipulations for the right of cutting wood under the sovereignty of the neighboring Republic. British subjects already engaged there might be protected in the exercise of their transitory industry, while it lasted, but the territory should be recognised as belonging to Guatemala. The Siboon was the proper boundary.

I remarked on this point that I was disappointed to hear such a decided opinion from H. E.

The Sarstoon had been recognized as the boundary by the additional articles of the Treaty of 1856, commonly called the Dallas Clarendon Treaty. That instrument was not ratified, and had therefore no validity, yet it had received the sanction of the highest authority in America, and might be presumed to embody no stipulations opposed to the views of the U. S. I had no means of judging of the tract of land under discussion but I had hoped that boundary prescribed by the Dallas Clarendon Treaty might have been made the basis of proposals to Guatemala, and that no objection would have been taken by the American Cabinet.

In reply to these arguments, and others which it is not necessary to submit to Y. L. the President observed that no person knew better than the Earl of Clarendon that he would not have entered into such a Treaty— It yielded to Great Britain the territory in Central America between the Siboon and the Sarstoon, and it recognized in fact a British Protectorate over the Bay Islands, whilst nominally restoring the sovereignty over them to Honduras. Had he been President he would not have negotiated such a Treaty but it had been negotiated by his predecessor and transmitted by him to the Senate. It was so distasteful to that body that it had not been touched till after the 4<sup>th</sup> of March; that he had urged Senators to take it up and decide it one way or the other, this being due to the British Government and after they had amended and had passed it, he did not feel himself at liberty, under all the circumstances, to refuse to ratify and send it to Great Britain, that he was in fact so anxious to cultivate the most friendly relations with England, that though he did not like the Treaty as amended, he was greatly disappointed and was sorry for their rejection of it. As it stood originally he thought he would not have sent it to the Senate, if it had arrived after his inauguration.

The President then proceeded to remark that he could take no absolute engagement in this matter, but he would say this much, that if the Bay Islands were frankly and hand-

Footnote 3, page 724—*Continued*

somely evacuated, such a measure would have a great effect with him and with the American people in regard to the settlement of the other points at issue. He added that H. M. Govt would be able to deal liberally with such weak States as Guatemala and Honduras without any sacrifice of dignity— In this sentiment I concurred with the President, and expressed my hope that Y. L. would find it consistent with the interests and honor of Great Britain, to give an indulgent consideration to the claims of the Central American Republics.

I have [etc.].

*Lord Napier, British Minister to the United States, to Lord Clarendon, British Secretary of State for Foreign Affairs*

No. 226

WASHINGTON, October 27, 1857.

MY LORD: With reference to the last paragraph of the note from Gen: Cass of the 20<sup>th</sup> inst. [See first of the two notes of this date, to Lord Napier, above, this volume, pt. 1, doc. 2784.—Ed.] transmitted in my Despatch No. 220 in which comment is made on the delay that has occurred in the negotiations regarding Central American Affairs, and on the serious difficulties contingent on this state of suspension, I have thought it right to offer some remarks to the Secty. of State. In a conversation with Gen: Cass this forenoon I stated to him that the delay alluded to might be referred in part to the engrossing nature of the intelligence from India which had demanded the peculiar attention of H. M. Govt but, that Y<sup>r</sup> Ldshp. had taken into consideration the alternatives of action open to you in Central American Affairs.

These were, to renew the former proposal to refer the disputed questions to arbitration, or to charge a special Minister to adjust those questions in a sense agreeable to the United States by direct negotiation with the Central American republics.

Your Lordship had decided in favor of the latter course because you believed from my representations and on other grounds that the principle of arbitration was distasteful to the President & himself and unacceptable to the American people who were jealous of the intervention of foreign Govt<sup>s</sup> in their interests but that I thought it right to state to him officially though not instructed to do so by Your Lordship, that H. M. Govt regarded the principle of arbitration as the ark of safety for nations differing as to the sense of Treaties and that I had not the least doubt that now, & at any time in these dissensions H. M. Govt would gladly refer the decision of all controverted points to the decision of any one of the European Powers of unsuspected Independence, even to Russia. The Gen: remarked in reply that he did not repudiate the principle of arbitration on all occasions he had invoked it & would do so again where it seemed justly applicable, but that in this matter it was declined by the American Govt for the following reasons. The language of the treaty was so clear, that in his opinion there ought not to be two opinions about it "we say that black is black, but we think that you say black is white." Then it was a mere question of the interpretation of the English language & he held that a foreign Govt was not so competent to decide in such a question as the U. S. and England who possessed that language in common and finally that the Senate of the U. S. had accepted the treaty in the sense which he contended for viz. that it stipulated for the present & absolute withdrawal of all British protectorate or possession in Central America, that he had separated from some of his party & voted in favour of the measure on that understanding & that on no other would the treaty have had a voice in the Senate or Country.

I supported my statement of the sentiments of H. M.'s Govt by reading to Gen: Cass, an extract of a private letter from Your Lordship, in which the principle of arbitration is commended, & affirmed as applicable to the present case, and in which the mission of Sir William Gore Ouseley is mentioned as likely to afford an amicable solution of these difficulties.

I have the honor [etc.].

*Lord Clarendon, British Secretary of State for Foreign Affairs, to Lord Napier, British Minister to the United States*

No. 308

LONDON, November 13, 1857.

MY LORD: I have to state to Your Lordship that Her Majesty's Government entirely approve of the language which you used to General Cass as reported in your Despatch N<sup>o</sup> 226, of the 27<sup>th</sup> Ultimo [Above, in this footnote.—Ed.] with respect to the

3103

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

HER BRITANNIC MAJESTY'S LEGATION, *December 5, 1857.*

SIR: I had the honor in a Letter under date of the 30<sup>th</sup> ultimo to impart to you the objects of the Mission entrusted to Sir William Ouseley,<sup>2</sup> and to convey to you the hope of Her Majesty's Government that the arrangements contemplated through his channel with the States of Central America might reconcile the conflicting constructions placed in the Treaty of 1850 by the contracting parties, and make that convention operative for the purposes for which it was designed.—The explanations which I addressed to you were framed on a general view of the Instructions of Her Majesty's Commissioner, and on the private communications of the Secretary of State for Foreign Affairs in anticipation of an official reply to my Dispatches confidentially submitting to Her Majesty's Government the views of the President in reference to the Mission of Sir William Ouseley.<sup>3</sup>

I have now the honor to enclose, herewith, for your more perfect information copy of a dispatch from the Earl of Clarendon<sup>4</sup> in which the sentiments

Proposal of Her Majesty's Government to refer the disputed Questions arising out of the interpretation of the Clayton Bulwer Treaty of 1850 to the Arbitration of a Friendly Power.

If ever there was a case in which the Principle of Arbitration would be advantageously adopted it is the one in question. All Differences as to the interpretation of Treaties arise from the different meanings attached to words, and General Cass' arguments in this case would be equally valid against arbitration in any case, but as the United States' Government affirm that no doubt can possibly exist as to their interpretation of the clause in question, it is difficult to understand their repugnance to having their opinion confirmed by a disinterested Third Party.

Her Majesty's Government on the other hand feel equally confident that their interpretation of the clause is correct, and as a reference to a Third Party is not only the course usually adopted between two Friendly Powers who differ in opinion but is the one which is most likely to secure an honorable and satisfactory solution of the Difference, Your Lordship is authorized formally to renew to the United States' Government in writing the offer to refer the contraverted Points to the Decision of any European Power whom the United States' Government may like to select.

I am with great Truth and Regard [etc.].

<sup>1</sup> Notes from Great Britain, vol. 35. The receipt date was not indicated.

<sup>2</sup> See first document of this date, above, this part, doc. 3101.

<sup>3</sup> See above, this part, p. 724, note 3, Lord Napier's correspondence with the British Secretary of State for Foreign Affairs.

<sup>4</sup> This document, dated November 20, 1857, follows:

*Lord Clarendon, British Secretary of State for Foreign Affairs, to Lord Napier, British Minister to the United States*

LONDON, *November 20, 1857.*

MY LORD: I have received Y. L.<sup>re</sup> Despatches N<sup>os</sup> 220, 221, 222, 226, and 227 of the 22<sup>nd</sup> 24<sup>th</sup> and 27<sup>th</sup> of October [All, except Nos. 220 and 227, are above, this part, p. 724, in note 3.—Ed.] reporting your recent communications with the Secretary of State of the United States, but more particularly with the President, respecting Central America, and the construction placed by the United States on the Treaty of 1850, commonly called the Clayton Bulwer Treaty.—

of Her Majesty's Government on this subject are frankly expressed, and which reached me by the mail of this morning.

Although not instructed to communicate this document to you textually I think it due to the President and the Government of the United States that

I will not conceal from Y. L<sup>ty</sup>, nor will you disguise from the President and General Cass, that Her Majesty's Government have learnt with great concern and disappointment that the intimation which you conveyed to the President of the course which H. M. Gov<sup>t</sup> were about to pursue for the practical settlement, by direct negotiation with the States of Central America, of all questions which have been in discussion between Great Britain and the United States, should have been viewed with little apparent cordiality by the Gov<sup>t</sup> of the United States; and that the Government of the United States so far from desiring to facilitate the adjustment of those questions, are inclined to require admissions on the part of this Country which, if made, would render all negotiation superfluous.

It cannot be expected that the British Gov<sup>t</sup> which entertains no doubt as to the true intent and meaning of the Clayton Bulwer Treaty, should abandon their opinion in order to adopt the adverse interpretation put upon that Treaty by the Gov<sup>t</sup> of the United States; but H. M. Gov<sup>t</sup> are ready, and Y. L<sup>ty</sup> has been instructed by my Dispatch No. 308 [It was dated, November 13, 1857, and is above, this part, on page 729.—Ed.] to make a formal offer to the Government of the United States, to submit to the arbitration of a third Power the question as to the true interpretation of the Clayton Bulwer Treaty.

But if this course is not acceptable to the United States; it is surely unreasonable to view with feelings of dissatisfaction the attempts making by H. M. Gov<sup>t</sup> to effect by direct negotiation with the States of Central America a solution of the questions involved in the conflicting interpretations of the Clayton Bulwer Treaty, and to do so in conformity with the principles which the late and present Gov<sup>t</sup> of the United States, together with the Senate have admitted to be generally acceptable.

For it must always be borne in mind that the difference which led to the non-ratification of the Treaty which I signed with M<sup>r</sup> Dallas on the 17<sup>th</sup> October 1856, turned upon one point alone, which point had its origin, not in any question between Great Britain and the United States, but in the hesitation of the Government of Honduras to ratify the convention concluded by its Plenipotentiary in regard to the Bay Islands.—If that convention had been ratified, H. M. Gov<sup>t</sup> could have agreed to the alteration on that point desired by the Senate of the United States; for they could not have hesitated to admit in a Treaty with the United States the concession which they would already have made to Honduras in a Treaty with that State, to the effect that the Bay Islands should thenceforward form an integral portion of the Republic of Honduras: and it was merely because H. M. Gov<sup>t</sup> could not assert in a Treaty with the United States the existence of a fact which could have no existence till an arrangement had been made upon the subject, that the Treaty which I signed with M<sup>r</sup> Dallas fell to the ground.

The Gov<sup>t</sup> of the United States have been informed by Y. L<sup>ty</sup> that H. M. Gov<sup>t</sup> have resolved to make a fresh attempt to settle by negotiation with the States of Central America, the several questions which, as far as the United States and the Republic of Honduras are concerned, would have been settled if the convention which I signed with the Plenipotentiary of Honduras on the 27<sup>th</sup> of August 1856 and the Treaty which I signed with the Plenipotentiary of the United States on the 17<sup>th</sup> of October 1856, had been carried into effect; and therefore, so far from anticipating that Y. L<sup>ty</sup> communication would have met with such a reception from the President as it appears to have done

United States which should throw any impediment in the way of the British negotiator, or might revive angry discussion on matters which there was just reason to suppose were in a fair way of being amicably settled.

Sir William Ouseley, during his visit to Washington, will, in pursuance of his instructions, have explained with the utmost frankness to the Gov<sup>t</sup> of the United States the nature of the instructions with which he is furnished; and Your Lordship, as the duly accredited organ of Her Majesty to the United States, will have given similar explanations.

The President will thus have the fullest assurance that H. M. Gov<sup>t</sup> are still prepared to adhere to the course which they adopted in the negotiations of last year with the United States and with the Republic of Honduras; that they are prepared to put an end



they should be in possession of it's contents without ambiguity or reservation, and I can only express my regret that it has not been possible to forward it at an earlier date.

You will remark that Her Majesty's Government have experienced considerable disappointment in learning that their present design did not meet with a more cordial reception and a warmer support from the Government of

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to the British protectorate of Mosquito and to make arrangements with the Republic of Nicaragua for the future localization of the Mosquito Indians; to transfer the Bay Islands to the Republic of Honduras, and to define, in concert with the conterminous States, the boundaries of the British Settlement of Honduras, according to the limits laid down in the unratified Treaty of last year. What more can the United States justly desire?—The President has alluded with dissatisfaction to the extent of the Securities which Her Majesty's Government have required from the Republic of Honduras for the future welfare of the inhabitants of the Bay Islands. But is it not an ordinary precaution taken by every nation when ceding to another territory previously in its possession, whether its previous right to such territory has been contested or admitted to make provisions, to a greater or less degree, for the security and interests of the inhabitants of the ceded district? What that provision may be is a matter wholly for the consideration of the ceding and receiving parties. A third party, though it may, claim to be interested in the fact of the cession, can have no reasonable ground for restricting or extending the right, the municipal rights, to be thenceforward enjoyed by the inhabitants of the ceded territory under its new masters.—And, although Her Majesty's Government do not suppose that the Government of the United States can seriously regard as directed against the United States the stipulation between two independent States, equally opposed to slavery, that slavery should not prevail in a territory which is transferred between them, yet Her Majesty's Government have no hesitation in declaring that in admitting into the Treaty with Honduras the provision to which I have alluded, they had no idea that such an interpretation could be affixed to the clause. For assuredly Her Majesty's Government would have deemed it an unnecessary precaution as against the United States, to stipulate that there should not be introduced into the Bay Islands an institution, which could be established therein by the United States, only by an act of usurpation on their part in seizing and occupying a territory, which the Treaty of 1850, on which the United States have ever laid such stress, would prevent them from seizing and occupying.

Her Majesty's Government trust that with due regard to these considerations, and to the intention which he has so repeatedly expressed of cultivating the most friendly relations with this country, the President of the United States will not take any steps which would cause fresh excitement upon the questions arising out of the Clayton-Bulwer Treaty. The objections entertained in the United States to the construction placed upon that Treaty by the British Government are, as every impartial person must admit, in a fair way to be removed by the voluntary act of the latter; and when those objections are removed, the solid benefits accruing from the provisions of that Treaty, not only to the two contracting Parties, but to the world at large, will remain in unimpaired vigour. Among those benefits, not the least will be, that sources of difference between the Government of Great Britain and the United States will be closed; and who can say what might be the effect on the great scheme for interoceanic communication, in the freedom of which, all nations of the world are so deeply interested, of a prolonged difference between Great Britain and the United States, on these matters?

But Her Majesty's Government not only hope that they may count on the desire of the President to avoid creating any fresh difficulties in these matters, by his mode of dealing with them at Washington; but they also trust that his wish to cultivate friendly relations with Great Britain may induce him to facilitate, through his Agents in Central America, the mission with which Sir William Ouseley is charged. Her Majesty's Government do not doubt that the Government of the United States are equally well disposed with themselves towards the Republics of Central America; and it is clear that nothing will tend so much to allay the discordant passions by which those Republics are now agitated, as the conviction that the two great families of the Anglo-Saxon race are united in their intention that peace shall be maintained between the States of Central America, in order that the commerce of all nations may be directed in safety through the territories of those Republics.

I am [etc.].

the United States and that they have viewed with concern the contingency of some movement which might forestall and frustrate the conciliatory policy committed to Her Majesty's Envoy to Central America.—I am not without some apprehensions that these unfavorable anticipations may have been, in the meantime strengthened by the departure of Walker which casts a new element of doubt and disturbance into these embarrassing discussions, and that the pending negotiations between the United States and Nicaragua, which I am very far from desiring to pre-judge, may afford some cause for hesitation. The Government of the United States, will, however, not fail to recognize that Her Majesty's Government desire to persevere in the course which they have entered upon in accrediting Sir William Ouseley to the Republics of Central America, and I beg that you will continue to regard the Letter which I forwarded to you on the 30<sup>th</sup> ultimo as an accurate and official exposition of the principles in which his Mission is based.—I trust also that the reply which I may receive from you may justify Her Majesty's Government in expecting a greater share of satisfaction and even of assistance on the part of the Government of the United States with reference to Sir William Ouseley's Mission than has hitherto been manifested.

I have the honor [etc.].

3104

*Lord Napier, British Minister to the United States, to John Appleton, Acting Secretary of State of the United States*<sup>1</sup>

Confidential.

WASHINGTON, December 20, 1857.

MY DEAR SIR: Her Majesty's Consul at New York has forwarded me the inclosed document<sup>2</sup> which I communicate to you confidentially as it is not without interest at the present moment. It is the declaration of Sylvester Gaffney a British subject who has been induced to sign articles with a certain Stephen Gordon ostensibly for employment on a Railroad in Cuba but as the deponent has reason to suspect in reality for service with Walker. Men, in fact, are to be entrapped by the promise of high wages and work in Cuba on board a vessel the "Alnah" now in the port of New York, and once embarked they will be carried to Nicaragua.

The advantages of the latter as a region for peaceable emigration are set forth in the accompanying Prospectus which may entertain you.

I hope the "Alnah" may not seize the present interregnum of District attornies and get off with her Rail Road labourers before M<sup>r</sup> M<sup>o</sup>Keon's successor is installed.

Believe me [etc.].

<sup>1</sup> Notes from Great Britain, vol. 35.

<sup>2</sup> Not found.

3105

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, February 15, 1858.

SIR: On the 30<sup>th</sup> of November last, I had the honor to convey to you,<sup>2</sup> under the Instructions of Her Majesty's Government,<sup>3</sup> a proposal to submit the controverted points in the Treaty of 1850. respecting Central American Affairs to the free arbitration of any European Power which the Government of the United States should prefer to select for that Office.

In a separate Note, under the same date, I imparted to the Government of the United States, an outline of the Instructions under which Sir W. Gore Ouseley has been charged to proceed on a Special Mission to the Central American Republics<sup>4</sup> with a view to the settlement, by direct negotiation with those States, of the questions, which the correspondence of last year in London, had failed to adjust.

Something in the nature of an alternative was thus offered to the American Cabinet. Should the expedient of arbitration be adopted, a great portion of Sir William Ouseley's duty would be transferred to other Agencies; should arbitration be declined, it was hoped that the efforts of Her Majesty's Envoy would result in a settlement agreeable to the United States, inasmuch as in essential points, it would carry the Treaty of 1850. into operation, in a manner practically conformable to the American interpretation of that Instrument.

The Note which I had the honor of addressing to you, in reference to the Mission of Sir W. Ouseley has received the Official sanction of the Earl of Clarendon and may therefore be regarded as an authoritative exposition of the intentions of Her Majesty's Government. In that communication however, I indicated that two obstacles had arisen which might possibly modify the resolutions of Her Majesty's Government, first, the cotemporary negotiation of a convention for the protection of the Transit Route, between the Government of the United States and that of Nicaragua;<sup>5</sup> and, secondly, the invasion of the Nicaraguan territory by a band of adventurers, who were engaged in an attempt to subvert the lawful Government recognised by Great Britain. The impediments to which I alluded, do not now exist. In the Treaty contemplated between the United States and Nicaragua, Her Majesty's Government do not see any obstacle to the realisation of their

<sup>1</sup> Notes from Great Britain, vol. 36. Received February 17.

<sup>2</sup> It is evident from the content of this note that he refers to the second document of this date, above, this part, doc. 3102.

<sup>3</sup> A copy of these instructions, dated November 13, 1857, is printed in footnote 3 to doc. 3102, above, p. 729.

<sup>4</sup> See first document, dated November 30, 1857, above, this part, doc. 3101.

<sup>5</sup> He presumably refers to the Cass-Irisarri Treaty, signed at Washington November 16, 1857, which never became effective.

designs committed to the management of Sir William Ouseley, while the projects of Walker and his confederates have been arrested by the interposition of the United States Navy, and we may hope definitively extinguished by the reprobation expressed, and the repressive measures adopted by the President of the United States.

Satisfied in respect to the relations between the Government of the United States and Nicaragua, and relieved of the apprehensions raised by the renewed disturbance of the peace of Central America, Her Majesty's Government are prepared, if necessary, to sanction the departure of Sir William Ouseley on his Mission, and the execution of his Instructions in the most conciliatory spirit.

Her Majesty's Government have, however, received no reply to their proposal for arbitration, a measure which they still regard as embodying the most unexceptional method for the settlement of existing difficulties.

In requesting to be informed of the definitive resolution of the United States Cabinet on this point, I am enabled to add that if their determination should be an adverse one, Her Majesty's Government would give a friendly consideration to any observation which you may be disposed to offer on the objects of the Mission entrusted to Sir William Ouseley.

I have the honor [etc.].

3106

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States<sup>1</sup>*

No. 98

LONDON, April 9, 1858.

SIR: I have a few minutes within which to state to you the substance of a short conversation just had at the Foreign Office with the Earl of Malmesbury.

His Lordship assured me,

1. That Her Majesty's Government were disposed to dispel all differences with the Government of the United States:

2. That the proposal to arbitrate the disagreement as to the Clayton & Bulwer Treaty was still open to the acceptance of the President:

3. But, should that proposal be declined, the suggestion made by the President in his Message to Congress as to the abrogation of the Treaty would meet with no opposition or objection from this Government.

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 71. The receipt date was not indicated.

3107

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, April 12, 1858.

SIR: I have the honor to acknowledge the receipt of Your Note of the 6<sup>th</sup> instant,<sup>2</sup> conveying the reply of the Government of the United States to the several overtures recently made for the adjustment of the embarrassments which have arisen out of the conflicting constructions placed upon the Treaty of 1850. by the contracting parties.

It would have been more satisfactory to me to have transmitted the document in question to Her Majesty's Government without any remarks in the way of explanation or controversy, but there are views expressed or implied in your communication which make it necessary for me to place the course which I have pursued in these matters, without delay, in a different and what I deem a juster light.

The first point which I shall bring under consideration is the character of those confidential conferences which I had the honor of holding with the President in the month of October last, and which have been made in some degree the basis of Your observations.

When I received a preliminary intimation of the intended mission of Sir William Ouseley to Central America, I sought the interviews above alluded to with the President, not for the purpose of submitting to him an authoritative or definitive explanation of the character of the mission, or of the instructions confided to the Commissioner, but in order to express what I believed to be the general import of the measure, to compare my own impressions with the opinions of the President, to report the views of the President to my Government, and to anticipate, if possible, any premature discussion of these matters in Congress, which I thought might have an unfavorable effect on the contemplated negotiations. The nature of my statements is abundantly apparent from the record of those conversations which have been in Your hands,<sup>3</sup> and which are cited in Your note. I said that "*I could not state exactly the character of the instructions with which Sir William Ouseley would be charged, but I might infer from all that had reached me that they would virtually be to the following effect: The efforts of the new Plenipotentiary would be directed to those objects which had been dealt with in the Treaty of 1856.*"<sup>4</sup> now laid aside, viz. the cession of the Bay Islands to Honduras, the substitution of the Sovereignty of Nicaragua for the protectorate of England

<sup>1</sup> Notes from Great Britain, vol. 36. Received April 14.

<sup>2</sup> Above, this volume, pt. 1, doc. 2788.

<sup>3</sup> See Lord Napier's despatches to the British Secretary of State for Foreign Affairs, above, this part, pp. 725-9.

<sup>4</sup> He refers to the Dallas-Clarendon Treaty of October 17, 1856, which is above, this part, p. 688, note 2.

in Mosquitia and the regulation of the Frontiers of Belize. In short, I believed it was the intention of Her Majesty's Government to carry the Clayton-Bulwer Treaty into execution, *according to the general tenor of the interpretation* put upon it by the United States."

In reply to the strictures of the President on the conditions previously attached to the cession of the Bay Islands I "allowed that the articles establishing the administrative independence of the Islands might have been larger than was necessary," and "I made no doubt that Her Majesty's Government would entertain any reasonable suggestions which might be afforded to them in that sense", "*as far as I knew* the discussion was not closed, and Sir William Ouseley *would probably have power* to enter upon it in a liberal spirit."

At a subsequent period of the first conversation, in thanking the President for certain friendly assurances "*I expressed my hope* that the Earl of Clarendon would be enabled to make a full communication of Sir William Ouseley's instructions and even to direct that Minister to visit Washington, if the President thought such a step would be advisable." The President replied that "a written communication would be sufficient *even if it reached him a few days before the meeting of Congress.*"

It is obvious from these passages that my statements were all conditional on the subsequent approval of Her Majesty's Government, that they were not intended to convey an official and final version of the Mission confided to Sir William Ouseley, that they were of an initiatory character made for the purpose of eliciting an exchange of opinions and to pave the way to the successful prosecution of Sir William Ouseley's duties. I never intended that my unauthorized explanations should be the basis of the Message of the President to Congress, or that he should depend only upon my words in a matter so important to his policy and to the two countries. Indeed I was most desirous that the President should in no degree be committed on imperfect intelligence. I anxiously anticipated the moment when I should be able to transmit to him, through the Official channel, a copy or exposition of Sir William Ouseley's instructions, and thus enable the President to proceed upon the solid ground of an international declaration. Recurring again to my confidential Despatch to Lord Clarendon which relates the substance of my first conversation with the President, I find that "I was careful in my language on this subject, to mark that I spoke on a broad impression of Your Lordship's intentions, and not on a particular official knowledge of the decisions of her Majesty's Government. I need not add that the engagements of the President do not depend in any degree on what I have hazarded on my own responsibility, but are altogether contingent on the nature of the communication which His Excellency may receive, before the 4<sup>th</sup> (7<sup>th</sup>) of next December when Congress will assemble".

The unofficial, and confidential character of these communications with

the President was not impaired by my contemporaneous language to yourself. I would not have considered it consistent with the respect due to Your Office to address the President on an international question, without at the same time reporting my proceedings to the Department of State. But had these communications been originally and exclusively addressed to you, still they were in their nature inconclusive and conditional. They could not in my opinion have had the force of a formal official assurance. If I had possessed the means, or the power, to make an official communication, it would have been done directly, in writing, in the usual manner.

It is gratifying to me to reflect, however, that the question was not left in ambiguity. An official communication was made to the Government of the United States, not as early as I could have desired, but within the period obligingly indicated by the President as indispensable for his convenience. After taking counsel with Sir William Ouseley, I made, on the 30<sup>th</sup> of November, an official communication of the scope of his Mission,<sup>1</sup> not accompanied by a textual copy of the instructions which I never promised, and could not promise, but embodying as ample a delineation of the Powers, and the objects of Her Majesty's Commissioner as I was then justified in presenting.

I have been the more particular on this head in consequence of the passage in Your Note, in which you state that "the views taken of Sir William Ouseley's Mission in the President's Message, is precisely that which was taken of it in your interviews with the President of the 19<sup>th</sup> and 24<sup>th</sup> of October,"—from this it might be carelessly inferred that no other source of information had been open to the Government of the United States, but my verbal statements, I consequently take the liberty to add then when Congress met on the 7<sup>th</sup> of December, my note of the 30<sup>th</sup> of November had been for several days under the consideration of the American Cabinet.

Having thus shown that I redeemed my pledge to the President, according to my best ability, and placed before the Government of the United States, an official version of the Instructions of Sir William Ouseley before the meeting of Congress, I proceed to examine whether the official statement thus offered was, or was not, essentially different from the unofficial and preliminary indications on which I had ventured in my conversations with the President. You assert that my note did differ materially from my words, that my note referred to the Treaty of 1856. as the basis of the settlement entrusted to Sir William Ouseley, while in the conversations alluded to, I had adverted to the Treaty of 1850. as the foundation of the projected adjustment, you affirm that in my written communication there is the "substitution of the Dallas-Clarendon Treaty with some undefined modifications, instead of the *plain* and *precise* basis which was implied in the *American Construction* of the Convention of 1850. &c. &c."

<sup>1</sup> See first document from Lord Napier, dated November 30, 1847, above, this part, doc. 3101.

To this statement which imputes to Her Majesty's Government, to myself, or to both, a degree of inconsistency, which I am desirous to repel, I oppose the following reflections:

I. The statements embodied in my conversations with the President cannot be cited against my Government because they were spontaneous and unauthorized in so far as the delineation of Sir William Ouseley's instructions was concerned, a fact which appears on the face of the record of those conversations.

II. In my conversations with the President, I *did* advert to the Treaty of 1856. as a basis of Sir William Ouseley's Mission. Turn to the Record.—“The efforts of the new plenipotentiary would be directed to those objects which had been dealt with in the Treaty of 1856. now laid aside, viz. the cession of the Bay Islands to Honduras, the substitution of the Sovereignty of Nicaragua for the protectorate of England, in Mosquitia, and the regulation of the Frontiers of Belize.”<sup>1</sup> After which I added, “In short, I believed it was the intention of Her Majesty's Government to carry the Clayton Bulwer Treaty into execution according to the general tenor of the interpretation put upon it by the United States.” I referred both to the Treaty of 1850. and to that of 1856. and made an exclusive basis of neither one nor the other. I did not say that Sir W. Ouseley would carry out the Clayton Bulwer Treaty “*exactly according to the American interpretation,*” or even “according to the American construction,” but “according to the *general tenor of the interpretation put upon it by the United States,*”—a form of expression, perhaps not sufficiently *plain* and *precise*, but rather vague, one which was probably interchanged with other similar expressions in the course of a prolonged discussion, and which was intended, in my mind, to describe a settlement under conditions not identical with those consigned to the Treaty of 1856. not identical with the sense ascribed to the Treaty of 1850. by the United States, but something between the two, and more agreeable to the United States than the stipulations of 1856. Such a settlement, in fact, as the Government of the United States taking a large, liberal, and conciliatory view of the whole question, looking to results more than to details, might consider as in essential points conformable to their interpretation, and one with which the nation might be satisfied.

It may appear superfluous for me to analyse closely the sense of expressions not selected very advisedly and which had no binding official character, but it is obvious that I never could have contemplated a strict adherence to the sense of the Clayton Bulwer Treaty adopted by the United States, for in that case no negotiation whatever would have been necessary, no Minister need have been sent out, the disputed territories would have been simply evacuated, the disputed jurisdictions would have been simply disclaimed,

<sup>1</sup> This quotation is from Lord Napier's despatch to the British Secretary of State for Foreign Affairs, dated October 22, 1857, which is above, this part, p. 725.



and the Clayton Bulwer Treaty, viewed without jealousy, and without dispute by the contracting parties, would have remained the sole rule of their neutral relations in Central America.

III. My official note of the 30<sup>th</sup> of November was not so full and distinct as to satisfy the views of the American Cabinet, but on the whole, it responded, in my opinion, very fairly to the spirit of my conversations with the President. It did not, and it could not, *exactly* adopt the American construction of the Treaty of 1850. as its basis, nor did it *exactly* adopt the basis of the Treaty of 1856. but it sketched out a ground work of settlement which might, in my opinion, be regarded as practically conformable to the *general tenor* of the American construction. It contemplated, with reference to Sovereignty, and civil administration, an unambiguous cession of the Bay Islands to Honduras, reserving only questions of existing property and general commerce, it affirmed the transfer of the protectorate of Mosquitia, it pointed to a settlement of the Belize Frontier not less favorable to Guatemala than that which had once received the sanction of the Senate of the United States,—an admission no longer binding, I am well aware, but which was dictated by sentiments probably still existing in that eminent body, and which, though repugnant to the personal opinion of the President might I hope yet be recommended to his assent, though I have no assurance to that effect.

Having thus endeavoured to show that there was no material difference between the language used by me to the President, and that in which my official note of November 30<sup>th</sup> was couched, but that the same objects were aimed at in both, I go on to consider your remarks on the Despatch of the Earl of Clarendon, which was communicated in my note of December 5<sup>th</sup> <sup>1</sup> and which seems to you to be of an unsatisfactory character. In that Despatch, the Earl of Clarendon expresses his disappointment that the confidential overtures and explanations which I had hazarded with the President had not been met in a spirit of more cordiality and concession, this feeling of disappointment is conveyed with that plainness which was natural in a Despatch addressed to Her Majesty's Legation without a distinct view to textual communication, a circumstance to which I was careful to draw your attention and that of the President, through you, in placing my note in your hands, at your private residence on the afternoon of the 5<sup>th</sup>. I was prompted to make a textual communication of the Despatch in question by the engagement which I had taken with the President, to give him as frank, full, and early an intimation of the sentiments of Her Majesty's Government as possible. In delivering this additional explanation to you, I expressed my concern that it had not come sooner, owing to unavoidable causes, and my apprehensions that it might not be received by the President in time to

<sup>1</sup> See above, this part, doc. 3103, and in note 4 thereto, the above-mentioned accompanying document, dated November 20, 1857.

serve his purpose in framing the Message delivered to Congress on the 8<sup>th</sup>. The feeling of disappointment experienced by the Earl of Clarendon was founded in the nature and extent of the declarations made to me by the President, and that sentiment was shared by myself. However deeply impressed with the courtesy and confidence manifested by the President to me on those occasions it could not escape me that his admissions were strictly guarded, and his requisitions stringent. It would ill become me to complain of this circumstance. The President was guided by his sense of duty and justice, but he held out to me very slender grounds for expecting any concession or abatement from the naked and literal construction placed on the Clayton Bulwer Treaty by his predecessors. While I spoke of the "*general tenor of the American construction,*" and used words of a similar import, he entrenched himself upon the "*plain*" and "*precise*" terms "according to the American interpretation." This was especially apparent to me during my second interview with the President in which he seemed to insist that the Bay Islands should be restored to Honduras "in the condition in which they were when Colonel Macdonald took possession of them," and intimated that the vested interests of British subjects might be well protected after the cession by the usual Diplomatic intervention of Her Majesty's Government. With reference to the Belize Frontier too, the President held out no distinct view of taking the same ground as the Treaty of 1856. or making any approximation to the views of Her Majesty's Government beyond the benevolent but general declaration that "if the Bay Islands were frankly and handsomely evacuated, such a measure would *have a great effect* with him and with the American People." The President expressed no desire to avail himself of the visit of Sir W. Ouseley at Washington, though speaking of him with esteem and regard, did not offer any cooperation, and expressed, on that occasion, no hopes of his success. I left the presence of the President impressed, as I have said, with his personal kindness, but with the discouraging apprehension, subsequently imparted to Her Majesty's Government, that the Mission of Sir William might not be supported, and I concluded that the President had in his mind some other way of settlement more agreeable to his own convictions, connected with the eventual dissolution of the Clayton Bulwer Treaty. If I had the misfortune to misinterpret the views of the President, I can only express my regret that I did so. If the American Cabinet, as may be inferred from your expressions, be well disposed towards Sir William Ouseley's Mission, and will meet Her Majesty's Government in a liberal spirit on matters of secondary moment, that Mission may still conduct us to a happy termination.

I need not tell you at least that my personal opinions have been deeply enlisted on behalf of this design.

The official version of Sir W. Ouseley's Mission having been imparted to the American Cabinet on the 30<sup>th</sup> of November, and the Presidential Message

having been delivered to Congress on the 8<sup>th</sup> of December, the prospects of Sir William Ouseley's Mission did not appear very auspicious; the peace of Central America was threatened by a band of adventurers from the United States, a negotiation was in progress between the United States and Nicaragua<sup>1</sup> which, it was feared, might prove to be irreconcilable with the views of England, and I learned from personal conference with yourself that the statement of Sir William Ouseley's Powers, especially with reference to the Bay Islands, was not deemed sufficiently explicit by the United States Government. Some suspension took place; I addressed my Government with a view to obtaining further explanations and instructions, and I informed you that it was not my desire to press for an official reply to the overtures of the Earl of Clarendon pending an answer from London. In this declaration, I committed an error. I overlooked something due to forms, in my anxiety to promote a clearer understanding. My conduct did not obtain the approval of the Earl of Clarendon, and I eventually learned in an official shape that Her Majesty's Government, following their better judgment, desired, before making any further communication, a reply to their overtures, and especially to that part of them referring to arbitration, a matter on which I shall touch further on. I imparted this intelligence to you verbally, expressed my regret that I had held out expectations which proved unfounded, and which had prompted delay, and, finally, I addressed an official letter to you on the 15<sup>th</sup> of February,<sup>2</sup> asking for an answer to our proposals. For the subsequent delay, from the 15<sup>th</sup> of February to the 6<sup>th</sup> of the present month, there is, no doubt, valid cause, with the exact nature of which I am unacquainted, but which, as I have stated, by your desire, to my Government, does not infer any want of respect for their wishes.

The discussion has been deferred, but the interests at stake, have probably not suffered, the results of the negotiation between Nicaragua and the United States are not yet disclosed, and it is probable that Sir William Ouseley may proceed to his destination with more advantage when the nature of those engagements is fully defined.

It may now be fitting for me to allude to the proposal made by Her Majesty's Government, to refer the question at issue under the Clayton Bulwer Treaty to arbitration— Her Majesty's Government will regret to observe that this offer was received with some dissatisfaction by the Government of the United States, and that it has been definitively declined. The expedient of arbitration was, it is true, suggested and rejected at an earlier period, but you will remember that the relations of the European Powers were much less propitious then than now. At that time Great Britain and France were engaged in hostilities against Russia, and the position of Her Majesty's Government in respect to other States, was not such as to offer

<sup>1</sup> He presumably refers to the Cass-Irisarri Treaty, signed at Washington, November 16, 1857, but which never became effective. See vol. IV, pt. II, *passim*, concerning the negotiations.

<sup>2</sup> Above, this part, doc. 3105, February 15, 1858.

much encouragement in the selection of a referee. The general Peace being happily restored, an opportunity was thus opened, for the exercise of that impartiality and deliberation which was so necessary in a decision of the kind contemplated. Her Majesty's Government flattered themselves that the Government of the United States might not have irrevocably decided against this measure. You will also recognize that the proposal which I had the honor to transmit to you on the 30<sup>th</sup> of November <sup>1</sup> was not identical in sense with the former overtures for the same object, whether made in London, or verbally by me to you. Her Majesty's Government, in their last communication, left the free selection of the Arbitrator to the Government of the United States, a fact which may well be marked in illustration of the spirit of conciliation by which they were animated— Had the Mission of Sir William Ouseley been officially defined to the Government of the United States, and had the character of his Instructions been recognised by them as affording a satisfactory basis of settlement, this offer of arbitration, though most consonant to the views of Her Majesty's Government, might not have been recommended for adoption. In the uncertainty attending the outset of Sir William Ouseley's Mission, and while making to the American Cabinet the first official explanation of his Powers, it was thought advisable to renew the offer of arbitration as an alternative of action.

As you have touched in your note, upon certain conversations which I have held with you respecting the revocation of the Clayton Bulwer Treaty, I think it right to place on record, here, the manner, and the motives, in which those conversations originated. It has long since been apparent to Her Majesty's Government that a strong desire prevailed in the United States for the dissolution of the Treaty of 1850. This impression has been conveyed to Her Majesty's Government from many quarters. If I may be permitted to invoke the name of the President, I may say that he has expressed himself, on various occasions, as convinced that the Treaty in question has proved a bar, instead of a help, to a good understanding between England and America, that opinion was enforced in the very conversations to which you have alluded, and it was largely stated in the Message delivered to Congress in December last. The same impression is, I understand, shared by members of the present Cabinet. In the various conversations which I have held with you on these matters, this persuasion was still transparent, that the Clayton Bulwer Treaty should be revoked. I have understood you to say that it had better be done simply, without conditions, and that the two nations should stand free of engagements, which were onerous to the People of America, and which had been assumed on an impression that the Government of Great Britain attached a very different sense to them than proved to be the case. This hostility to the Clayton Bulwer

<sup>1</sup> See above, this part, the second note from Lord Napier to the Secretary of State, of November 30, 1857, doc. 3102.

Treaty has been warmly entertained by many leading Statesmen in Congress, it has been professed by many of the influential Journals, it has become almost an article of creed with the most zealous adherents of the great Democratic Party now in power—

With reference to the abrogation of this Treaty, we have been less informed. I am not aware that any diplomatic overture has ever been made here or in London for the dissolution of the compact. The President, in his late Message, simply intimated that it might be done, or might have been done by "*mutual consent*"— Others, less wise and less friendly, have advised an abrogation by legislative enactment. In regard to the views which you have conveyed to me respecting the removal of the Treaty of 1850. I need not say that I have never regarded them in the light of official declarations, they have been expressed accidentally, familiarly, as a matter of personal impression, not as the reflection of any resolution on the part of the President, or Cabinet. I do not know that the Government of the United States are debarred by any existing engagements from preserving the Treaty, or offering, or accepting, any conditions which might be attached to its revocation.

The impression, that the Clayton Bulwer Treaty had become generally obnoxious, prompted Her Majesty's Government to sanction an intimation to the Cabinet of the United States that an overture for its dissolution would not be declined. This intimation could not be made in the usual official forms while the American Government had under consideration, proposals of a different character, but it was supposed that in their reply to those proposals, the Cabinet of the United States might insert an offer for the abrogation, and I felt myself justified in opening the matter to you, and in bringing the manner in which the dissolution might be eventually effected, under an informal and preliminary discussion.<sup>1</sup>

I thought that from the very first I had made it perfectly clear that I could only speak for Her Majesty's Government in so far as regarded their willingness to give their attention to any suggestion which the United States might offer. I certainly intended to convince you that such was the case. As the Government of the United States do not consider the present occasion opportune for entering upon this affair, I content myself with saying that the observations and opinions conveyed by me, and of which the sense does not appear to have been exactly understood, were entirely personal, were designed to be suggestive, and introductory to an ampler discussion, and that they do not, in any way, commit the Government which I represent.

I now take leave of this subject with regret that I have found it necessary to introduce a reference to the President more frequently than is usual in official correspondence, though I trust, in a manner due to his exalted station,

<sup>1</sup> See the two despatches from the British Minister to the British Secretary of State for Foreign Affairs, on this subject, above, this volume, pt. I, in note 1, p. 184.

and friendly intentions. Her Majesty's Government will learn by your communication transmitted to them, that the exposition of the Powers entrusted to Sir W. Ouseley, offered in my note of November 30<sup>th</sup> is not sufficiently explicit to enable the Government of the United States to afford that Minister their assistance and cooperation in the prosecution of his negotiations. It remains with Her Majesty's Government to determine whether they can afford the more perfect information desired.

I can only add the expression of my hope that the decision of Her Majesty's Government will conduce to a final adjustment of the Central American Controversy.

I have the honor [etc.].

3108

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 99

LONDON, April 13, 1858.

SIR: In my last despatch, I had the honor to make a rapid statement of the substance of a conversation with the Earl of Malmesbury, Her Majesty's Principal Secretary of State for Foreign Affairs, on the ninth instant.<sup>2</sup>

I was specially invited to call at the Foreign Office, apparently only to receive this brief communication, and am therefore inclined to ascribe to it greater significance than it would otherwise import; and on carefully reconsidering the subject, two points, very distinctly recollected, must be added to my synopsis of Lord Malmesbury's remarks.

His Lordship said that he was one of that class of statesmen who believed that all the Southern part of North America must ultimately come under the Government of the United States: that he had no objection to what seemed the inevitable course of things: that on the contrary, he thought it would be beneficial as well to the populations occupying the countries referred to as to the United States, and the rest of the world. When this observation is joined to the expression of a similar sentiment by Mr. Disraeli on the floor of the House of Commons about eighteen months ago, it assumes perhaps a substantial aspect of conciliation which has not heretofore made its appearance in our intercourse with this Government. Hence I deem it necessary to record it.

The unaffected and colloquial manner which accompanied his Lordship's observations, induced me to forestal all mistake by saying, that I presumed

<sup>1</sup> Despatches, Great Britain, vol. 71. Received May 1.

The omitted portion at the end of this despatch is not pertinent to this publication.

<sup>2</sup> See his despatch No. 98, of this date, above, this part, doc. 3106.

he would permit me to communicate them to my Government. He replied that he wished me to do so, and added, "we do not offer to abrogate the Clayton & Bulwer Treaty: but if such be the disposition of the President, we shall make no difficulty whatever".

3108a

*Francis J. Grund, Special Agent of the United States in Europe, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

[EXTRACTS]

LONDON, August 6, 1858.

SIR: In obedience to your instructions,<sup>2</sup> I lost, on my arrival here, no time to inform myself correctly about the views of the British Government in regard to the Right of Search.<sup>3</sup> . . .

I would also respectfully state that Mr Fitzgerald, in speaking of American polity, took occasion to pay a very high tribute of respect to the President and, "his able Secretary of State," who had treated this question with admirable skill, and he added further, what I deem of sufficient consequence to report, that "the time had passed when British Statesmen looked upon America as a rival nation whose expansion must be checked, by every possible means, as fraught with alarm to other nations." This afforded me an opportunity of conversationally inquiring into the views of the British Government in regard to Central America & Mexico, as if doubting the full application of his remark. Mr F. became quite serious and assured me that, though present ministers adhered to the Construction of the Clayton-Bulwer Treaty put upon it by their predecessors in office, yet they had not the slightest idea of establishing a Protectorate on the Isthmus, or of interfering with American polity in that quarter, so long as the transit routes were left open to all nations (a condition which the gold discoveries on Frazer's River now rendered imperative) and no second Gen<sup>l</sup> Walker attempted the conquest of Nicaragua. He then referred to the "enthusiast" Mr Belly, with whom, he assured me, the British Government had nothing to do, and whom the French had entirely disavowed in a formal note, addressed on that subject to the British government. (The French Government, I am assured from another equally reliable quarter, has also addressed a note to the British Gov<sup>t</sup> on the Right of Search; substantially embracing the views entertained on this subject by the President.) I state these details to enable you to draw your own inference, instead of giving my impressions founded on data which

<sup>1</sup> Special Agents, vol. 20. Received August 21.

<sup>2</sup> Above, this volume, pt. 1, doc. 2792, June 18, 1858.

<sup>3</sup> This omitted portion relates to conversations with Mr. Fitzgerald, the British Under Secretary of State for Foreign Affairs, and with several members of Parliament, in regard to the question of the right of search.

might appear sufficient to myself, without proving satisfactory to the Department.<sup>1</sup> . . .

In conclusion I would yet remark that Mr Fitzgerald expressed a desire to talk in a familiar, friendly way about Central America, Mexico & *Cuba*, especially, as, on his return from Cherbourg whither he has accompanied the Queen, he should, in the absence of Lord Malmesbury be Secretary of State; but I pleaded urgent business on the Continent, fearing to commit myself on any of these topics without first communicating with, and receiving instructions from my government. To make good my excuse, I shall on Monday next, leave for Paris and then for Germany, awaiting further orders from the Department through the Legation in Paris.

I have the honor [etc.].

3109

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 136

LONDON, October 27, 1858.

SIR: Your Nos 136 & 137,<sup>3</sup> with their respective annexes, have been received.

Having at the moment nothing special to communicate, I seize the opportunity to advert to certain facts which may probably be already in your possession from other sources, but of which, no information having reached me from the United States, it would seem prudent to make mention.

1. It is unquestionable that Sir Wm Gore Ouseley has made with the representative of Nicaragua at Washington a Treaty sanctioned by Great Britain, and about being presented for confirmation to the Central American Government.

Some clauses of this instrument I have noticed in one American newspaper: and, in another, appeared a positive denial of its existence. Of the fact there is no room whatever for the slightest doubt. The general nature of the Treaty is said to be unexceptionable, except it be regarded as a link in that chain of policy which aims to limit the expansion of our confederacy.

2. This Government have ordered two large Vessels of War to San Juan, presumably, to make impressive the exertions of Sir W. G. Ouseley in obtaining the ratification of his Treaty, and, professedly, to keep him undisturbed by the apprehended intermeddling of filibusters.<sup>4</sup>

<sup>1</sup> This omitted portion relates to the claim of the Hanoverian Government to levy certain dues which the British Government contended were detrimental to her commerce.

<sup>2</sup> Despatches, Great Britain, vol. 72. Received November 12.

<sup>3</sup> Neither of these instructions concerns inter-American affairs.

<sup>4</sup> The omitted portion at the end of this despatch relates to a maritime law question.



3110

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, November 14, 1858.

SIR: I have the honor to acknowledge the receipt of your Note of the 8<sup>th</sup> Instant<sup>2</sup> respecting Central American affairs in reply to a Despatch from The Earl of Malmesbury of August 18<sup>th</sup><sup>3</sup> which I read and delivered to you on the 9<sup>th</sup> of September.

I regret that I was unable to forward your present communication to Her Majesty's Government by the Messenger of the 9<sup>th</sup> Instant as it could not be copied in time for that Mail.

It will be transmitted to Her Majesty's Government for their consideration by the Messenger who will leave Washington tomorrow.

I have the honor [etc.].

3111

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>4</sup>

[EXTRACTS]

No. 138

LONDON, November 26, 1858.

SIR: Having just returned from the Foreign Office, I have the honor to report the substance of my conversation with the Earl of Malmesbury. After receiving me with frankness and cordiality, his Lordship said, that he had invited the interview because he was aware that my letters for Washington would go forward tomorrow, and he wished me to convey in them some few remarks from him.

1. Lord Napier had communicated to the President the Treaty negotiated by Sir W. G. Ousely with the Minister from Nicaragua. It was believed that no objection was expressed to its provisions. One of its objects was to terminate the Mosquito Protectorate.

2. Sir W. G. Ousely was by this time at Nicaragua, and would exert himself to obtain the ratification of the Treaty:—in doing which it was indispensable that he should be protected by the presence of a naval force from any violence meditated by filibusters.

3. The two Governments harmonized perfectly in their determination to arrest or crush the ravages of General Walker and his associates. Nothing could be more entirely just and satisfactory than the President's Proclamation.

<sup>1</sup> Notes from Great Britain, vol. 37. Received November 15.

<sup>2</sup> Above, this volume, pt. 1, doc. 2794.

<sup>3</sup> *Ibid.*, p. 189, note 3.

<sup>4</sup> Despatches, Great Britain, vol. 72. Received December 14.

4. He had however been much surprized at the contents of a recent letter from Lord Napier, which stated that General Cass considered the Orders issued for the protection of Sir W. G. Ousely to be incompatible with the Clayton-Bulwer Treaty. Those orders were to the effect, that if the Government of Nicaragua required, for their defence from filibusters, the active intervention of military power, a suitable armed force was to land, seize the offenders, and hand them over, if American, to the nearest authority of the United States: having done this, to retire immediately. His Lordship could not understand why such a proceeding should be regarded as in violation of that article of the Treaty which interdicted "occupation": especially as a clause of the Cass-Irissari treaty, with which this government found no fault, but, on the contrary, desired to see effected, provided for exactly the same sort of temporary assistance. It was impossible to allow their diplomatic representative to have his object cut short by marauders. When the Treaty was disposed of there would be an end of their interference. Thus far as to Central America.

5. In regard to Mexico, his Lordship described Spain as extremely irritated by the cruelties inflicted upon Spaniards, and as threatening to send a fleet to punish and exact redress. England, however, had successfully persuaded delay. Mexico was in so distracted a condition that she could scarcely be said to have a responsible government. England had herself been grossly outraged in the person of Mr. Hanson whose treatment could best be resented, in the opinion of the law officers of the Crown, by a British Fleet sent to Tampico. Her Majesty's Government, however, were averse to any strong measure which might make things worse than they already are, and the severity of which would probably fall upon the innocent. It was difficult to say to what result the disordered state of Mexico must lead, if the nations interested in her well-being forebore to intervene.<sup>1</sup> . . .

My solicitude in this narrative has been to give the leading ideas of Lord Malmesbury. Of course, he was not unfrequently interrupted by comments from myself, which led to collateral explanations. Among other things, I remarked that the provision in the Cass-Irissari Treaty, which seemed to me rather to carry out than to violate the Clayton-Bulwer Treaty, by securing for all equally the safe and uninterrupted transit, was essentially different in its character from Admiralty Orders which, amid the struggles of parties, left to the discretion of Naval Officers whom to recognize as the *de facto* Government of Nicaragua, and whom to denounce for British pursuit and dispersion as filibusters. If the popular party, now in motion, acquired strength, their adversaries would, as a matter of course, brand them with that odious name, and call for British succor; thus installing foreign troops to settle the political destinies of the Country. That was a consequence to which the President

<sup>1</sup> The omitted portion relates to the transfer of Lord Napier, the British minister to the United States, to The Hague and the appointment of his successor, Lord Lyons.

and People of the United States could not be supposed insensible; which of all things was most repugnant to the spirit and terms of the Clayton-Bulwer Treaty; and which could not possibly follow from the application, as contemplated by General Cass, of merely such temporary force as might be thought by Nicaragua herself necessary to keep the transit open for the common convenience. His Lordship insisted that both landings in the two cases were equally right, or equally wrong: he esteemed them to be right; and certainly any attempt by filibusters to defeat the operations of Sir W. G. Ousely would be put down.

I also incidentally remarked that I regretted that his Lordship had expressed some leaning in favor of Mr. Belly's project. He disclaimed having done so. Mr. Belly was patronized neither by England nor France. He was a speculating adventurer. It was immaterial by whom the work of opening the transit was effected. If any of the citizens of the United States held an unexpired or unforfeited contract, he would be entitled to go on. He was not intimate with the merits of the several claimants to contracts.

Again, in the course of the interview, I referred, with probably an obvious feeling, to the alleged "*joint note*" addressed by the French and British Ministers to our Government respecting Mr. Belly's contract.<sup>1</sup> He promptly and emphatically denied that any thing of the sort had been written or ever contemplated.

The rumor of the morning, coming direct from Paris, was adverted to; that an Anglo-French fleet had orders to proceed to the Gulf of Mexico. That rumor, he said had lowered the funds; it was, nevertheless, utterly destitute of foundation.

I can perceive that the discovery of the golden sands in Fraser's River, leading to the creation of the new Colony of British Columbia, has increased the solicitude for Isthmian routes of transit. In other respects the pacific dispositions of this government do not appear to have changed. Lord Malmesbury several times remarked that it was best to accomplish one aim at a time: that the disrelished protectorate of the Mosquitos was finally disposed of in Sir William's treaty: that as soon as the English guarantee applied to the Nicaraguan route, capital, science, and labor would hasten to accomplish the work, however formidable it appeared: that the Honduras railway might next obtain attention: and finally the dispute about the Bay Islands, which he thought would have been closed by Mr. Herran's convention, had not Lord Palmerston, riding upon his favorite hobby, obtained from the Honduras Minister the obnoxious clause excluding Slavery.

I have the honor [etc.].

<sup>1</sup> This is presumably the same alleged note which Minister Mason in Paris commented upon in his despatch of November 18, 1858, to the Secretary of State, above, vol. vi, doc. 2659.

## 3112

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 140

LONDON, November 30, 1858.

SIR: I had the honor to receive at 5 p. m. yesterday, by the Steamship America which reached Liverpool that morning, your several despatches numbered respectively 139, 140, & 141.<sup>2</sup>

The two first of these despatches convey to me, for my information, and are exceedingly acceptable, copies of the important and interesting communications addressed by the Department, one to General Lamar on the 25<sup>th</sup> July last<sup>3</sup> relative to our complaints against the Governments of Nicaragua and Costa Rica, and the other to Lord Napier on the 8<sup>th</sup> instant<sup>4</sup> relative to the adjustment of the Central American controversies between the United States and Great Britain.

My N<sup>o</sup> 138, of the 26<sup>th</sup> instant,<sup>5</sup> transmitted by the Steamship Persia, which left Liverpool on the 27<sup>th</sup> reporting the incidents of an interview at the Foreign Office, will, I presume, have effectually removed the idea on which the last of your despatches was founded.

From what remark or word of mine the Earl of Malmesbury, on the 25<sup>th</sup> of October last, imbibed the impression conveyed in his letter to Lord Napier, that the ordering two large vessels of War by this Government to San Juan had my approbation, I am unable to conjecture. The desultory and informal conversation then had was carefully winnowed, and I was able to cull the facts reported to you two days afterwards in my N<sup>o</sup> 136:<sup>6</sup> among them this particular fact, to which no special importance seemed to be ascribed by Lord Malmesbury, but to which he referred as to a thing already done and public: the two vessels being generally considered a sort of parade convoy for Sir William G. Ousely. Whether his Lordship construed my silence to import approbation of a step which this government had actually carried out, or whether he deduced it from my incidentally observing that the practices of filibusterism were as repugnant to the Government of the United States as to the Government of Her Majesty, I cannot say: but my memory is fresh that no opinion was asked, and none given. And, indeed, I do not know how, in the light in which it was regarded by me, I could, without intrusiveness, have affected to offer my sanction. An appropriate and I hope an early opportunity will enable me, without accepting for my "*approbation*" the special value he would seem disposed to attribute to it, to apprise his Lordship of his misapprehension.

<sup>1</sup> Despatches, Great Britain, vol. 72. Received December 20.

<sup>2</sup> No. 139 was the same as No. 167 to Minister Mason in Paris, of the same date, which is above, vol. VI, doc. 2504, November 10, 1858. Nos. 140 and 141, dated November 11 and 13, 1858, are above, this volume, pt. I, docs. 2796 and 2797.

<sup>3</sup> Above, vol. IV, doc. 1100.

<sup>4</sup> Above, this part, doc. 3111.

<sup>5</sup> Above, this volume, pt. I, doc. 2794.

<sup>6</sup> *Ibid.*, doc. 3109, October 27, 1858.

It was at the interview of last Thursday, the 25<sup>th</sup> of November, the leading features of which were at once reduced to writing, and are now far on their way to you,<sup>1</sup> that I was, for the first time, apprized that Orders had issued to British naval officers for landing troops in Nicaragua if invited by the government of that republic to repel and seize filibusters. My surprize and regret were then manifested, in a manner entirely respectful, but in words both strenuous and distinct. You have them substantially before you; and on recalling and weighing them, I am happy to perceive that, although suddenly impelled to draw distinctions and foresee consequences, I spoke almost precisely what your letter received last evening would have prescribed had it reached me six days sooner. The Orders were regarded as incompatible with the Clayton Bulwer Treaty, and as liable to arouse the just sensibilities of the American President and People, as well as altogether different in subject matter and effects from the provision in the Cass-Irisarri Treaty. If my judgment as to these Orders be appreciated at all, I cannot but hope that their execution will be foreborne.

I have the honor [etc.].

3113

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>2</sup>

Private.

WASHINGTON, December 15, 1858.

MY DEAR SIR: I have the honor to acknowledge the receipt of your letter marked "Private" of yesterday's date<sup>3</sup> referring to an account which has reached you from M<sup>r</sup> Dallas recapitulating a conversation which that Minister had recently held with the Secretary of State for Foreign Affairs.

The Earl of Malmesbury is reported to have stated on that occasion that:

Lord Napier had communicated to the President the Treaty negotiated by Sir William Gore Ouseley with the Minister from Nicaragua. It was believed that no objection was expressed to it's provisions. One of it's objects was to terminate the Mosquitia Protectorate.<sup>4</sup>

I conceive that what the Earl of Malmesbury intended to convey to M<sup>r</sup> Dallas was this;

Lord Napier has imparted verbally to General Cass the general sense of a projected Treaty which Sir William Gore Ouseley is instructed to negotiate with Nicaragua one of the objects of which is to terminate the Mosquitia Protectorate and to which no objection was expressed by the United States Government.

<sup>1</sup> This is presumably another reference to his despatch No. 138, November 26, 1858, above, this part, doc. 3111, although the interview reported in it took place on the same date that that despatch was written.

<sup>2</sup> Notes from Great Britain, vol. 37. The receipt date was not indicated.

<sup>3</sup> Not found in the archives of the Department of State.

<sup>4</sup> This quotation is from Dallas's despatch No. 138, November 26, 1858, above, this part, doc. 3111.

I have not had the honor of holding any personal communication with the President on this subject.

In so far as I am informed no Treaty has, as yet, been concluded by Sir William Gore Ouseley with any agent on the part of Nicaragua.

I remain [etc.].

3114

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

WASHINGTON, December 30, 1858.

MY DEAR SIR: I have now the honor to place in your hands a copy of Lord Malmesbury's Dispatch of the 8<sup>th</sup> Instant<sup>2</sup> which I have read aloud to you this morning.

Believe me [etc.].

<sup>1</sup> Notes from Great Britain, vol. 37. Received December 31.

<sup>2</sup> It follows:

*Lord Malmesbury, British Secretary of State for Foreign Affairs, to Lord Napier, British Minister to the United States*

LONDON, December 8, 1858.

MY LORD: I have to inform Y<sup>r</sup> L<sup>ty</sup> that H. M. Gov<sup>mt</sup> have received with lively satisfaction the Note which General Cass addressed to Y<sup>r</sup> L<sup>ty</sup> on the 8<sup>th</sup> of November [Above, this volume, pt. 1, doc. 2794.—Ed.].

The friendly tone in which it is written and the high appreciation which it displays of the importance of terminating the irritating discussions in which both our Countries have been so long involved, cannot but tend to render that termination near at hand and permanent.

I feel it to be a duty to do justice to the accuracy with which General Cass has recapitulated the circumstances under which the controversy has been sustained and the efforts hitherto employed to settle it have failed.

This acknowledgment appears to me sufficient as regards the historical portion of His Excellency's Note extending from the signature of the Clayton-Bulwer Treaty in 1850 to my Despatch of the 18<sup>th</sup> of August 1858 [Above, this volume, p. 189, note 3.—Ed.]. I shall therefore remark only upon the inferences and observations founded by General Cass upon the summary of events—In doing so it will be superfluous to revert further back than the 28<sup>th</sup> of February 1858 at which date the Earl of Derby's administration succeeded that of Vicount Palmerston.

H. M. Gov<sup>mt</sup> at that time found the question of their Treaties with Central America in this position. The modification proposed by Lord Clarendon by a supplementary Treaty with Honduras had been declined by the U. S. and His Lordship had lastly proposed Arbitration but he had received no reply to that suggestion.

H. M.'s present Government therefore considered it proper and respectful to the U. S. to wait for that answer, which they accordingly obtained in General Cass' Note of the 6<sup>th</sup> of April [Above, this volume, pt. 1, doc. 2788.—Ed.].

His Excellency therein declined any reference to Arbitration and although not invited by H. M.'s late or present Government to give an opinion on the point of abrogating the Clayton-Bulwer Treaty he informed Y<sup>r</sup> L<sup>ty</sup> that he should object to that course.

The motives of the President for so objecting, as explained by General Cass in the Note to which I have now the honor to reply, cannot but be appreciated by H. M. Gov<sup>mt</sup>.

But on the receipt of the Note of April 6<sup>th</sup> it undoubtedly appeared to H. M. Gov<sup>mt</sup> that inasmuch as all the proposals for a settlement of the dispute had originated on this side of the Atlantic and had invariably found a premature end on the other, it might be just and desirable that the initiative in any future course should come from America. Modifications had failed, Arbitration had been refused, Abrogation of the long vexed

Footnote 2, page 753—*Continued*

Treaty was deprecated, and H. M. Gov<sup>mt</sup> with reason expected that having exhausted the principles upon which a settlement might be attained, the U. S. themselves might probably propose a new solution.

It was with this view, and not from any indifference or indisposition to discover one themselves, that H. M. Gov<sup>mt</sup> remained silent and left Y<sup>r</sup> L<sup>d</sup> and Sir W. Ouseley without any further Instructions from April till August, a season during which the Climate of Central America would have been dangerous to a European Mission.

At that time H. M. Gov<sup>mt</sup> convinced that the U. S. had no further communication to make by which an arrangement in Central America could be effected, determined to take advantage of Sir W. Ouseley's position to employ him in the same cause, but with different Instructions as to the detail of his operations.

They considered that by an exhaustive process the Clayton-Bulwer Treaty might be relieved of its controversial elements so that its main intention would remain embodied in its stipulations, but no longer encumbered with those themes of contention, namely, the British Possessions and Protectorate in Central America.

They believed that this could more easily and effectively be carried out by negotiating independently with each State and separately on each point. It is with great satisfaction that I observe by the statement of General Cass in his Note of November 8<sup>th</sup> [Above, this volume, pt. i, doc. 2794.—Ed.] that the President is also of that opinion.

With this conviction H. M. Gov<sup>mt</sup> instructed Sir W. Ouseley on the 9<sup>th</sup> of August last to proceed to Nicaragua and negotiate with that independent State a Treaty of Commerce by which also a passage should be secured to Her Majesty's Subjects across the Isthmus and a further Treaty by which the sovereignty of Mosquito would be ceded to Nicaragua on certain conditions.

Although H. M. Gov<sup>mt</sup> has adopted a course of independent action I notwithstanding instructed Y<sup>r</sup> L<sup>d</sup> to communicate these facts to the President and General Cass as a proof of our friendly feeling to the government of the United States on the first convenient occasion, and these Instructions Y<sup>r</sup> L<sup>d</sup> appears to have obeyed on the 16<sup>th</sup> of September last, and to have explained with great frankness and lucidity to General Cass the present Mission of Sir W. Ouseley and its objects [Apparently orally communicated, since no note of the above date was found.—Ed.].

It is therefore on this account that I am enabled [unable?] to explain why General Cass in his very accurate Note signed on the 8<sup>th</sup> of November, has been pleased to stop short in its historical recapitulations at the date of the 18<sup>th</sup> of August and to complain that he has been altogether left in ignorance of the details of Sir W. Ouseley's Negotiations.

If he were so kept in the dark by the late Government in regard to Sir W. Ouseley's original Instructions of October 30<sup>th</sup> 1857, I am of course unable to state the reasons, but even in such a case they appear to be no longer of any consequence inasmuch as the course to be pursued by Sir W. Ouseley has been subsequently altered, and subsequently explained to General Cass.

But if from misapprehension on the part of Y<sup>r</sup> L<sup>d</sup> or of General Cass, His Excellency should not entirely understand and appreciate the present Mission of Sir W. Ouseley to Nicaragua Y<sup>r</sup> L<sup>d</sup> will lose no time in giving His Excellency the fullest information on the subject.

Y<sup>r</sup> L<sup>d</sup> will shew that H. M.'s Gov<sup>mt</sup> are not technically bound by engagements made or stipulations designed by the projected Treaty of October 1856 commonly called the Clarendon-Dallas Treaty, or that of May 1857, which Y<sup>r</sup> L<sup>d</sup> was instructed to sign with the U. S. seeing that they fell to the ground between the contracting parties, or were rejected by the U. S. But Y<sup>r</sup> L<sup>d</sup> will add notwithstanding that H. M. Gov<sup>mt</sup> consider themselves as morally obliged to carry out the political views of their Predecessors in Office as embodied in Your Note to General Cass of November 30<sup>th</sup> 1857 in respect of the Bay Islands [See first document, of this date, above, this part, doc. 3101.—Ed.], they amounting in the opinion of H. M. Gov<sup>mt</sup> after so much reiteration, almost to a national promise to cede that Territory to Honduras, provided such cession can be made with honor to the Crown, and upon terms compatible with the security of the Inhabitants.

It is therefore the intention of H. M. Gov<sup>mt</sup> as soon as Sir W. Ouseley shall have signed a Treaty with Nicaragua by which the Mosquito Territory shall have been transferred to Nicaragua, the status of Grey-town established, and Great Britain relieved from its protectorate, to instruct H. M. Commissioner to enter as speedily as possible into communication with Honduras on the subject of the Bay Islands and after the receipt of General Cass' Note of the 8<sup>th</sup> of November H. M. Gov<sup>mt</sup> cannot allow themselves to forsee any serious impediments to the happy result of such a negotiation.

3115

*Lord Napier, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

[MEMORANDUM]

WASHINGTON [Undated].

1. The distracted condition of Mexico and the consequent embarrassments of that Country in its foreign relations, continue to engage the serious attention of Her Majesty's Government.

There is reason to believe that the controversies recently pending between Mexico and Spain are in course of adjustment, as far as the Government of M<sup>r</sup> Zuloaga can control the external correspondence of the Confederacy; but the wrongs of which the Cabinet of Madrid had reason to complain, may at any moment be renewed, and similar grounds for dissatisfaction and resentment have been offered to other Powers.

The President of the United States has recently stated in emphatic terms that the Treaty rights of the United States in Mexico are practically suspended; that the oppressions endured by the citizens of the United States in their persons and property, though perseveringly urged, remain unheeded and unredressed; that abundant causes exist which would justify a recourse to hostile measures on the part of the Federal Government against the Fac-

As soon as Sir W. Ouseley shall have accomplished the task on which he is now employed Y<sup>r</sup> L<sup>ty</sup> shall immediately be enabled to state to General Cass the details of this second Mission and the conditions with Honduras on which the cession of the Bay Islands to that State is contemplated.

On the other hand H. M. Gov<sup>mt</sup> now understand from General Cass' Note of the 8<sup>th</sup> of November that if the principles of the Mosquito Territory are arranged, the Bay Islands ceded to Honduras and the boundaries of British Honduras established the Clayton-Bulwer Treaty will remain as the acceptable and practical rule for the relations of England and the U. S. in Central America, and will hereafter be recognised and respected as such by the U. S.

It is with this explicit Construction that H. M. Gov<sup>mt</sup> have understood and reciprocate the following sentiment expressed by His Excellency towards the end of his Note "What the U. S. want in Central America next to the happiness of the people, is, the security and neutrality of the inter-oceanic routes which lead through it. This is equally the desire of Great Britain, of France and of the whole Commercial World. If the principles and policy of the Clayton-Bulwer Treaty are carried into effect this object is accomplished."

H. M. Gov<sup>mt</sup> cordially subscribe to this statement and can find no more appropriate language to express their own policy and their anxious hope that in the concluding words of General Cass himself "the good results expected in the beginning from Sir W. Ouseley's Mission may yet be happily accomplished."

I am [etc.].

Your Lordship will read this Note to General Cass and give His Excellency a Copy.  
signed) M

<sup>1</sup> Notes from Great Britain, vol. 38. Received January 6.

The following notations, evidently made in the Department, appeared on the back of this undated and unsigned document: "Memorandum of statement made to General Cass by Lord Napier respecting the affairs of Mexico and the Nicaraguan Transit," which was written in ink, and below it in pencil, "Rec<sup>d</sup> 6<sup>th</sup> Jan<sup>y</sup> '59." It is therefore evident that it was written on or shortly before the receipt date.



tion dominant at the Capital of Mexico—a faction which may possibly be destined to obtain a general ascendancy.

Her Majesty's Gov<sup>t</sup>, practising the forbearance which They have recommended to Spain and which They will no doubt recognize in the present attitude of the United States, have hitherto abstained from vindicating the rights of British Subjects, by a resort to compulsory proceedings, and Her Majesty's Gov<sup>t</sup> will continue to observe the same course while self respect, a well considered policy and public feeling will permit it. There is, however, a stage beyond which patience and inaction cannot be prolonged. The interests of Great Britain in Mexico are weighty, the representations of H. M's oppressed and plundered subjects are pressing and the time may be approaching when it will be impossible to avoid taking those measures against Mexico which that State, in common with every other independent Power may incur by a persevering disregard of International Duty.

The position of France is probably not dissimilar: The French Gov<sup>t</sup> have their Commercial interests and resident subjects to protect; and the Imperial Cabinet may find just cause for assuming the same position in regard to Mexico which may be imposed upon Great Britain and the United States.

In fact, among the possible contingencies incidental to the continuance of the Civil War in Mexico, we might see the Four Powers above mentioned, with equal reason and in the exercise of the same right, carrying war into the territories of Mexico, and exacting by force of arms that reparation which is denied to them in any other form.

The inconveniences which would be attached to such a state of affairs require no demonstration. The territory of Mexico, which it is the common interest to consolidate and tranquillize, would be exposed to aggravated disturbance and impoverishment. Nor is this all. A hostile movement on the part of the European Governments could not fail to arouse jealousies which it is desirable to allay. The Government of the United States does not, indeed, question the right of those Governments to enforce their claims on an American State by an appeal to arms; and on the other hand the European Powers, though asserting their right to all the results of negotiation or conquest on this Continent which they could attain elsewhere, have certainly not the least view to territorial acquisition as the fruit of hostilities. Yet the cotemporary presence and operations of the forces of several Governments in the Gulf of Mexico, without mutual confidence and previous consultation, would arouse the popular susceptibilities of the United States and produce some degree of uneasiness in the Commercial and political relations of the parties concerned.

It is believed that a timely concert between the Governments of Great Britain, the United States, France & Spain, might be instrumental in effecting the pacification of Mexico, in restoring a Government under which life and property would be secure; and thus preventing the eventualities which

have been indicated above. Her Majesty's Gov<sup>t</sup> would, therefore, be deeply interested in learning the views of the President of the United States as to the practicability of a common course of diplomatic action between the Four Powers as to the means in which their benevolent influence might be exerted and the proximate purposes to which it should be addressed.

II. The Gov<sup>t</sup> of the United States has been informed of the general sense of the Instructions given to Sir William Gore Ouseley by H. M's Gov<sup>t</sup> for his negotiations with the Gov<sup>ts</sup> of Nicaragua and Costa Rica. One of the purposes of his Mission is the termination of the Protectorate exercised by Great Britain in Mosquitia, and the transfer of that territory, including Greytown, under the sovereignty of Nicaragua, with certain stipulations for the protection of the Indians and the Freedom of Trade. In adopting this course, H. M's Gov<sup>t</sup> manifested their desire to establish, even by the cession of what They believe to be Their own right and jurisdiction, the great principle of the neutrality of the Transit Routes. The same principle has been proclaimed by the United States.

In regard to the Transit passage by the River San Juan, the practical use of the route is embarrassed both by the natural difficulties of the locality and by the claims of parties who pretend to enjoy the exclusive right of administering the Transit by grant from the Gov<sup>t</sup> of Nicaragua, but who have not succeeded in rendering it accessible to traffic.

The President of the United States has expressed, in his recent message to Congress, a preference for the unrestricted system—a system under which the use of the route should be thrown open to the competition of rival companies of any nation for the public good—supposing always that the exclusive right is not already lawfully vested in any party by grant from Nicaragua.

It is urged, on the other hand, that an exclusive privilege of some kind or other is necessary to induce the investment of Capital in an enterprize which involves the improvement of Ports and river Channels, the opening and maintenance of roads and the construction of Railways, even should the greater scheme of a Ship Canal be definitively laid aside as impracticable—which is by no means convincingly proved.

Whether the open or exclusive system be eventually adopted, it seems desirable that the question of present right, should be disposed of as soon as possible. The Gov<sup>t</sup> of Nicaragua has declared the previous grants & contracts to be null and void. The Gov<sup>t</sup> of the United States does not assert that those grants are valid, but reasonably insists that the engagements entered into with American citizens, should be examined in the form prescribed by the Contracts themselves or by some Tribunal of a dispassionate character. Pending the adjustment of the controversy the Transit remains embarrassed. The Company which is striving to occupy the ground is deprived of that confidence and financial support which it might obtain if its

claims were undisputed and other parties are deterred from embarking in competitive projects as They would do were the Field unoccupied.

Her Majesty's Gov<sup>t</sup> have declared that They favor no particular scheme and that They have no desire to interfere with the vested rights of American citizens, lawfully derived from the Nicaraguan Gov<sup>t</sup> and still in force.<sup>1</sup> It is due, however, to the great interests at stake and to the Commercial enterprize of H. M's subjects that the facts should be ascertained without unnecessary delay.

Considering the weak and vacillating conduct of the Nicaraguan Gov<sup>t</sup> in these matters, it is submitted to the Secretary of State that he might urge upon that Gov<sup>t</sup> the propriety of an early enquiry into the conditional<sup>2</sup> Transit engagements, in such a form as would satisfy the just solicitude of the United States Gov<sup>t</sup> for the rights of its citizens. Should the decision be in favor of the existing Company, the Company would probably obtain the support of foreign Capital. Should the Transit prove to be unfettered, the passage would be open to common use or a new Company might be organized competent to undertake the improvements of the route in its natural features, or to carry out the design of Canalization.

Her Majesty's Gov<sup>t</sup> are desirous to be informed of the views of the President of the United States with reference to the solution of this Transit question, so important to the Commerce of the World and especially as to the feasibility of some guarantee being granted by the Gov<sup>t</sup> of the United States and Great Britain which would give confidence to Capitalists and secure their cooperation in the enterprise.

<sup>1</sup> The following extract from a communication from Lord Malmesbury, the British Secretary of State for Foreign Affairs, to Lord Napier, which bears on this subject, was probably received at the Department with this memorandum, since no note from the British Minister to the Secretary of State, enclosing it, was found:

*Lord Malmesbury, British Secretary of State for Foreign Affairs, to Lord Napier, British Minister to the United States*

[EXTRACT]

LONDON, December 24, 1858.

Your Lordship is fully aware that Her Majesty's Government have no desire to obtain for this Country by negotiation with the Governments of Central America any advantages for British Subjects which shall not be equally shared by the Subjects and Citizens of all other states whatsoever and that so long as the transit & communication across the Isthmus is promptly and effectively made, it is a matter of perfect indifference to Her Majesty's Government by what association of Individuals that desirable object is accomplished although Her Majesty's Government are of opinion that it is for the interest of all Governments, no less than of the rival Companies themselves, that any legal differences which may exist between the Companies should be speedily settled, yet Her Majesty's Government have no wish to interfere in those differences, and have, in fact, in the Drafts of Treaties which Sir William Ouseley is instructed to propose to the Governments of Nicaragua and Costa Rica, expressly declared that nothing therein contained is to be construed to affirm or deny the validity of any existing Grant or Contract.

<sup>2</sup> In the manuscript volume, the last two letters in this word were crossed out in pencil and the word "of" inserted after it.

3116

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 178

LONDON, April 25, 1859.

SIR: Since writing to you on the 22<sup>d</sup> instant, I received yesterday, Sunday the 24<sup>th</sup>, your two confidential letters of the 7<sup>th</sup> and 8<sup>th</sup> instant,<sup>2</sup> with accompanying documents,<sup>3</sup> and this morning your N<sup>o</sup> 168.<sup>4</sup> I am hourly expecting a note from Lord Malmesbury appointing an interview at which your suggestions respecting the course pursued by Sir Wm Gore Ouseley in Nicaragua will receive the attention they deserve. It may however, be proper to say, at once, that I do not anticipate any difficulty in having the course of Sir William rectified by his Government; if indeed that has not been done already.

In the Morning Herald of the 22<sup>d</sup> April 1859 appeared the paragraph which I have cut out and annex.<sup>5</sup> It is possible that the distractions incident to the approach of a great European War may temporarily divert or postpone the attention of the Foreign Office from this business: but I can entertain no doubt as to what will ultimately be done.

In the series of your despatches I miss N<sup>os</sup> 165 and 167;<sup>6</sup> are they wandering on their way, or is there a clerical error in numbering?

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 73. Received May 13.

<sup>2</sup> Above, this volume, pt. 1, docs. 2799 and 2800.

<sup>3</sup> These enclosures were: A communication from Lord Malmesbury, the British Secretary of State for Foreign Affairs, to Lord Napier, British minister to the United States, dated December 8, 1858, which is above, this part, p. 753, note 2, and the Secretary of State's instruction to Minister Lamar in Nicaragua, dated April 1, 1859, for which see above, vol. iv, doc. 1113.

<sup>4</sup> Above, this volume, pt. 1, doc. 2801, April 12, 1859.

<sup>5</sup> It follows:

*The Morning Herald, April 22, 1859*

[EXTRACT]

Several articles have recently made their appearance in the Washington journals in which various statements have been put forth with reference to Sir William Gore Ouseley's proceedings in Nicaragua. As much misapprehension seems to prevail on this subject, we are happy to have it in our power to place the real facts before the public. We have good authority for stating that the treaty respecting the interoceanic transit, which this diplomatist signed on the 18th of January, will not be ratified in this country, on account of certain unauthorised modifications which he admitted into the same. Sir William Gore Ouseley has been requested to re-negotiate that treaty, and to proceed with the negotiation of a convention relating to the Mosquito territory. The two matters are to be considered as a whole, and a settlement on one point will not be accepted unless accompanied by a satisfactory arrangement on the other. By this means we trust that the Gordian knot of the difficulty in the western hemisphere may be sundered to the advantage of all parties concerned.

<sup>6</sup> Neither is pertinent to this publication.

3117

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 181

LONDON, May 2, 1859.

SIR: The receipt of your letters dated respectively the 7<sup>th</sup> and 8<sup>th</sup>, and of your N<sup>o</sup> 168, of the 12<sup>th</sup> ultimo,<sup>2</sup> made me anxious to bring the diplomatic proceedings in Nicaragua as early and as distinctly as possible to the notice of Her Majesty's Principal Secretary of State for Foreign Affairs.

I had the opportunity to do so on the evening of Friday the 29<sup>th</sup> April: and am happily now enabled to convey to you the positive assurance that the reprehensible course of Sir William Gore Ouseley has been reproved, and that his irregularities will be rectified by this government.

At this interview the subject, in all its bearings, and features underwent frank discussion. The points suggested in your communications were specially adverted to. It was shown and agreed that the spirit of the Treaty of 1850 and the understanding of the two governments had been disregarded: that the Cass-Irissari treaty, expressly approved from here, had been perversely shoved aside: that the final and indispensable settlements respecting the Mosquito Protectorate and the Bay Islands were wholly ignored: and that the negotiator had permitted the introduction of clauses into his new treaty at once unauthorised by his instructions, offensive, and unnecessary.

Lord Malmesbury spoke with severity of Sir William's whole proceeding, and was inclined to regard it as a consequence of the disease under which that gentleman has been constantly suffering in Central America. When the document reached here, some ten days or two weeks ago, his Lordship instantly perceived its defects, sent it back rejected, and with it a strong admonition to adhere inflexibly in re-negotiation to every one of the particulars so unaccountably neglected. He had been especially indignant on reading the idle and captious provision respecting a mutual enforcement of neutrality laws: a provision which could have no meaning in a British treaty, and must have been inserted solely to irritate the United States.

Upon this candid interchange of remarks and disclosure of facts, I hesitated for a moment on the expediency of introducing your despatch to me N<sup>o</sup> 168:<sup>3</sup> but your instruction was explicit, and possession of the paper by this government might in the future be of importance. I therefore produced the document, and stating its general purport, offered to read it, or to leave a copy. Owing to the pressure of engagements he requested me to do the latter.

<sup>1</sup> Despatches, Great Britain, vol. 73. Received May 18.

<sup>2</sup> Above, this volume, pt. 1, docs. 2799, 2800, and 2801.

<sup>3</sup> *Ibid.*, pt. 1, doc. 2801, April 12, 1859.

I think I may with justice remark that as far as relates to the mutual understanding on the course of action to be pursued in Central America, for practically extracting from the Clayton Bulwer treaty the points of disputation, however much disquietude may be caused by the errors of others, this interview furnishes gratifying evidence of the fairness, firmness, and good faith of the Earl of Malmesbury.

I have the honor [etc.].

3118

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 190

LONDON, June 3, 1859.

SIR: The series of your despatches received by me is now complete to N<sup>o</sup> 176 inclusive: this last accounting for the absence of N<sup>o</sup> 165.

The Six Volumes connected with the United States Exploring Expedition under captain Charles Wilkes which accompanied your N<sup>o</sup> 172, were sent to the Earl of Malmesbury, and I annex copies of the notes which passed on the occasion.

The two subjects confided to me by your N<sup>o</sup> 174,<sup>2</sup> to wit, 1<sup>st</sup>, the refusal of Mr. Otway, after the withdrawal of our Consul's Exequatur by General Miramon, to extend the protection of the British Legation in Mexico over suffering American Citizens; and, 2<sup>d</sup>, the measures taken, or proposed to be taken, through the agency of the British Squadron, against Vera Cruz, to enforce the payment of pecuniary claims,—shall be brought, conversationally as you suggest, to the early attention of Lord Malmesbury. I have some reason to think that, in declining the office of humanity to which Mr. Black invoked him, Mr. Otway gave a harsher construction than was meant to his instructions. Both topics, as topics of diplomatic remonstrance, incur the hazard of awakening a measure of national susceptibility; but I gather from your remarks the duty of scrupulously avoiding, as far as possible, any such unintended effect.

I have the honor [etc.].

<sup>1</sup> Despatches, Great Britain, vol. 74. Received June 17.

The correspondence, mentioned in the first two paragraphs of this despatch, does not concern inter-American affairs.

<sup>2</sup> Above, this volume, pt. 1, doc. 2802, May 12, 1859.

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

No. 191

LONDON, June 10, 1859.

SIR: In conversing with the Earl of Malmesbury relative to Mr. Otway's refusal, founded upon his instructions, to extend his diplomatic protection over such American Citizens as were suddenly deprived, by the withdrawal of Mr. Black's Exequatur, of their official guardian, I conveyed to His Lordship the views expressed in your despatch to me N<sup>o</sup> 174, of the 2<sup>d</sup> ultimo.<sup>2</sup>

It was explained to me that the instructions sent to Mr. Otway were suggested by the angry controversy which had subsisted between Mexico and Spain, and the incessant demands made by their respective subjects upon each other. The object was to put an end formally to the practice of appealing to British influence and intervention to enforce violated engagements or to sustain incriminations. The language employed in these instructions was undoubtedly general and comprehensive, and Mr. Otway had given it an interpretation to which it might possibly be liable. But he was mistaken. While he was prohibited from undertaking the consular business of other countries, it was never for a moment designed to check his zeal or forbid his cooperation, to save human life or mitigate human suffering amid painful scenes of revolutionary violence, at the instance of any one, especially at the instance of a public officer so well known and meritorious as Mr. Black. Mr. Otway had been written to, and his mis-apprehension rectified as soon as information of the course he had taken reached the Foreign Office.

On the other topic of your same despatch, to which I invited his Lordship's attention, there was an equal readiness to state the position of this Government. They determine to insist, if necessary through the agency of the British Squadron before Vera Cruz, upon the payment of outstanding claims, long acknowledged and long neglected, which were described generally as arising out of loans of money and wrongful acts. It so happened, that while the President recognized the government of Juarez, the Queen recognised that of Miramon:—and it might be impossible to do more than conjecture which of the two would finally prevail. Still, on their part, they could recognize one only, and their proceeding was exclusively against that one. They could not take the opposition into account. I placed before his Lordship the historical incidents connected with the contending chiefs, the occupation of Vera Cruz by the partizans of Juarez, the considerations of impartiality so forcibly urged in your letter, and the impression which prevailed in America that, of the two struggling parties in Mexico, that of Juarez promised more liberal and constitutional action, and therefore greater

<sup>1</sup> Despatches, Great Britain, vol. 74. Received June 23.

<sup>2</sup> No. 174 was dated May 12, and is above, this volume, pt. 1, doc. 2802.

affinity with England and the United States. These considerations might perhaps have postponed the proceeding at Vera Cruz, but they were made too late. The British demands had been successful; engagements to pay in monthly instalments were given, and these had thus far been punctually fulfilled: nor was it unworthy of remark that a portion of the money obtained had actually been obtained, before, or simultaneously with, the movement at Vera Cruz, from the partizans of Miramon.

The consummation of the arrangement, thus distinctly ascertained, connected with the purpose principally held in view by your despatch, would seem to render unavailing, if not improper, any further conversation with Lord Malmesbury upon the subject. I shall, at least, await your farther directions.

I have the honor [etc.].

3120

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 203

LONDON, August 15, 1859.

Referring to the purpose expressed in your letter of the 18<sup>th</sup> of July last,<sup>2</sup> it is proper for me to mention that Mr. Charles L. Wyke, recently chargé d'affaires at Nicaragua, Guatemala, Honduras, Costa Rica, and Salvador, has just been appointed by this Government on a Special Mission to those States, as Envoy Extraordinary and Minister Plenipotentiary: whether to supersede Sir William Gore Ouseley [Ouseley?], or to aid and expedite him, I am unable to say. He had his audience of the Queen on his promotion, three days ago.

I have the honor [etc.].

3121

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 205

LONDON, August 23, 1859.

SIR: Your despatches to N<sup>o</sup> 187<sup>4</sup> inclusive, have been received.

In my N<sup>o</sup> 203, of the 15<sup>th</sup> instant,<sup>5</sup> I mentioned the appointment of Mr. Wyke by this Government, on a special mission to Central America, as

<sup>1</sup> Despatches, Great Britain, vol. 74. Received August 31.

<sup>2</sup> The omitted portion does not concern inter-American affairs.

<sup>3</sup> Not found in the archives of the Department of State.

<sup>4</sup> Despatches, Great Britain, vol. 74. Received September 11.

<sup>5</sup> No. 187 does not concern inter-American affairs.

<sup>6</sup> Above, this part, doc. 3120.



Minister Plenipotentiary. I was unable, then, to say whether he superceded, or would aid, Sir W. Gore Ouseley [Ouseley?]. My present conviction, arising out of a conversation since had with Lord John Russell, is, that the two gentlemen will unite their efforts to cause the adoption of the several measures heretofore determined upon. The proposed treaties have been revised and shortened: and Mr. Wyke, who left here a week ago, is instructed to urge them through. Unfortunately, as I apprehend, orders are also issued for the continuance of the British armed force in that quarter to protect the negotiations from filibusters. I presume Mr. Wyke to be the person mentioned, no doubt by mere clerical error, in your letter of the 18<sup>th</sup> July '59,<sup>1</sup> as Mr. Wylie.<sup>2</sup>

3122

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>3</sup>

[EXTRACT]

No. 206

LONDON, September 1, 1859.

I am as yet undecided as to the best course for me to pursue in regard to the views conveyed in your N<sup>o</sup> 189.<sup>4</sup> They are undoubtedly clear and forcible: but the great body of them have already been communicated to Lord John Russell, were frankly accepted as just, and led to the satisfactory assurances I was able to send you only a week ago in my N<sup>o</sup> 205.<sup>5</sup> To renew the subject with his Lordship thus early, without the intervention of any fresh incident, and even before the special envoy Mr. Wyke, is heard from, would seem to imply doubts, which I should hardly know how to excuse, as to the sincerity of positive recent declarations. Unless, therefore, an exceedingly favorable opportunity should occur for the purpose, which at this season is unlikely, I am disposed to let the matter rest where it is; until, at all events, you reiterate a wish for a different proceeding. Perhaps I should add that the approaching meeting of Congress, with its preliminary cares, and subsequent legislative enquiries, formed one of the chief representations upon which I urged the expediency of more prompt and definitive action in executing the agreed points connected with the Central American States.

<sup>1</sup> Not found in the archives of the Department of State.

<sup>2</sup> The portion of the despatch omitted here relates to the "Feejee" Islands.

<sup>3</sup> Despatches, Great Britain, vol. 74. Received September 20.

The omitted portions at the beginning and end of this despatch do not concern inter-American affairs.

<sup>4</sup> Above, this volume, pt. I, doc. 2804, August 12, 1859.

<sup>5</sup> Above, this part, August 23, 1859, doc. 3121.

3123

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>1</sup>

[EXTRACT]

No. 213

LONDON, October 6, 1859.

The earliest opportunity which Lord John Russell may afford me on his return from Scotland will be seized to express to him the sense entertained by the President of the extraordinary conduct imputed to Mr. Otway, in intermeddling, by political conference with General Miramon, injuriously to the property and rights of American Citizens in Mexico. Mr. Otway is understood to be coming home, in obedience to a recall; and his representations of the state and prospect of things, as between the Constitutional Party and its enemies, may possibly, more or less, affect the deliberations of a Cabinet whose leaning just now is towards the attitude taken by the President, recognizing Juarez. The harmonious cooperation of the two governments in the same line of policy is felt to be an object of great importance in every aspect.

3124

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 216

LONDON, October 21, 1859.

SIR: Her Majesty's Principal Secretary of State for Foreign Affairs returned, for the transaction of business, to Downing Street, on Saturday last the 15<sup>th</sup> instant.

I took the earliest opportunity to converse with him, in order to keep alive and to urge the desire expressed in your N<sup>o</sup> 189<sup>3</sup> that the negotiations in Central America should be pushed to a close before the meeting of Congress.

He apprized me that since my last interview with him on the 20<sup>th</sup> August, he had, through the British Minister at Washington, fully explained to the Government of the United States the course and purposes to be pursued by Sir William G. Ouseley [Ouseley?] and Mr. Wyke, and that entire satisfaction had been expressed.<sup>4</sup>

Whether the respective treaties could be perfected between now and December, he thought doubtful; particularly as Mr. Wyke, just before leav-

<sup>1</sup> Despatches, Great Britain, vol. 74. Received October 22.

The omitted portions at the beginning and end of this despatch do not concern inter-American affairs.

<sup>2</sup> Despatches, Great Britain, vol. 74. Received November 7.

<sup>3</sup> Above, this volume, pt. I, doc. 2804, August 12, 1859.

<sup>4</sup> Apparently orally communicated to the Secretary of State, since no note on this subject from the British Minister was found.

ing England, had informed him that it was necessary he should, on his getting back to Central America, first visit Guatemala. Such a deviation would produce some, he hoped not much, delay.<sup>1</sup>

3125

*George M. Dallas, United States Minister to Great Britain, to Lewis Cass, Secretary of State of the United States*<sup>2</sup>

[EXTRACT]

No. 220

LONDON, November 14, 1859.

SIR: Although apprehensive that no opportunity will present itself until Saturday next for the transmission of this despatch, I am resolved to be in readiness for any one that may possibly occur, in order to let you have before the meeting of Congress the latest official intelligence from this quarter.

The interview with Lord John Russell on Saturday the 11<sup>th</sup> instant, at 2 o'clock, lasted nearly two hours, and would have been farther prolonged by me, but that again a Cabinet meeting was at hand and several of my diplomatic colleagues were waiting in the Ante-chamber.

Availing myself of the friendly and familiar manner with which His Lordship received me, I remarked upon the published arrival of Mr. Otway from Mexico, expressing my satisfaction at the fact, as that gentleman might at once, if at all in his power, explain or extenuate a certain departure from propriety of which he appeared to have been guilty. His Lordship gave me his immediate attention. I repeated the prominent features of the narrative in your N<sup>o</sup> 194<sup>3</sup> connected with the transmission of specie by the Conducta from the City of Mexico to the City of Vera Cruz in June last: and particularly adverted to the advice given to General Miramon in consultation by the British and French Ministers, that the money should be arrested on its way and taken for shipment to Antigua or Mocambo. Such a course of action was not compatible with the principle of non-intervention in the domestic quarrels of the republic, placed the specie in great jeopardy, and bore an aspect of unfriendliness towards the Government of the United States by whom the Constitutional Government of Juarez had been recognized. Fortunately any results injurious to private interests had been averted by the energy of Mr. McLane, but that did not excuse Mr. Otway, to whose proceeding, without making it the subject of formal written charge, I had been instructed to call attention.

His Lordship expressed himself as having viewed the transaction in the

<sup>1</sup> The portion omitted here does not concern inter-American affairs.

<sup>2</sup> Despatches, Great Britain, vol. 74. Received December 3.

<sup>3</sup> For this instruction to him, dated September 19, 1859, which was sent on the same date to Minister Mason in Paris, see vol. vi, doc. 2509.

same light in which I had represented it. British residents too in Mexico had sent forward their complaints, and these he had communicated to Mr. Otway. That gentleman unhesitatingly and frankly admitted the justice of the reproof: deplored what he had done as the greatest error of judgment he had ever committed, and could not palliate it except by recurring to the influences which at the moment surrounded him.

This topic was therefore closed by my sense of the proceeding and Mr. Otway's acknowledgement left me nothing farther to say upon the subject.<sup>1</sup>

## 3126

*Lord Lyons, British Minister to the United States, to Lewis Cass, Secretary of State of the United States*<sup>2</sup>

WASHINGTON, February 24, 1860.

SIR: I had yesterday the honour to receive your note of the 21<sup>st</sup> instant<sup>3</sup> relative to the course pursued by M<sup>r</sup> Clarke, United States Minister to Guatemala and Honduras. I will not fail to transmit without loss of time to Her Majesty's Principal Secretary of State for Foreign Affairs a Copy of that communication.

I have the honour [etc.].

## 3127

*William Douglas Irvine, British Chargé d'Affaires ad interim at Washington, to Lewis Cass, Secretary of State of the United States*<sup>4</sup>

WASHINGTON, August 27, [1860].

SIR: In accordance with Instructions from Her Majesty's Government Lord Lyons communicated to you in the month of September of last year a copy of the Treaty which had been concluded between Great Britain and the Republic of Guatemala for defining the Boundary between that State and the settlement of Belize.<sup>5</sup>

His Lordship at the same time stated to you, Sir, the objects of Sir Charles Wyke's mission to Central America, and expressed the earnest desire felt by Her Majesty's Government that the controverted questions arising out of the Clayton Bulwer Treaty should be settled.

I am now instructed to communicate to you copies of Treaties which have

<sup>1</sup> The remaining part of the despatch does not concern inter-American affairs.

<sup>2</sup> Notes from Great Britain, vol. 39. Received February 24.

<sup>3</sup> Above, this volume, pt. I, doc. 2806.

<sup>4</sup> Notes from Great Britain, vol. 40. Received August 28.

William Douglas Irvine, the writer of this note, as secretary of the British legation, acted as chargé d'affaires ad interim from July 28 to October 27, 1860.

<sup>5</sup> Apparently this treaty was personally delivered by Lord Lyons to the Secretary of State, since no communication of the above date from him was found.

been concluded by Her Majesty with the Republics of Honduras and Nicaragua.<sup>1</sup>

These Treaties provide for the relinquishment of the Protectorate of the Mosquito Indians by Great Britain, and for the cession of the Bay Islands to Honduras.

Thus, it may be hoped that the desire of Her Majesty's Government has been fulfilled, and that all questions respecting the interpretation of the Clayton Bulwer Treaty have been finally set at rest.

I have the honor [etc.].

<sup>1</sup> The first of the four treaties in pamphlet form enclosed with this note, was a treaty between Great Britain and Nicaragua concerning the Mosquito Indians and the claims of British subjects. For its principal articles, see above, vol. IV, p. 865, note 2. The other treaties are not included in this publication. They related to postal regulations, commerce and navigation, and to placing the Bay Islands under the sovereignty of Honduras.

## INDEX



## INDEX

- Aberdeen, Lord**, British Secretary of State for Foreign Affairs, correspondence, 272-3 note, 279-81; mentioned, 244-5; views as to British policy on abolition of slavery, 8, 246-50.
- Abert, Colonel**, U. S. topographical engineer, mentioned, 77, 463-4, 480-2.
- Accessory Transit Company**, contractor with Nicaragua for operating Nicaraguan transit route, protected at San Juan del Norte by U. S. naval forces, 80-4, 494-5 note, 500-2; debarks American soldiers from steamer at San Juan del Norte, 121, 609-10 and note.
- Acevedo, Venezuelan Minister of Foreign Affairs**, mentioned, 295.
- Addington, British Under Secretary of State for Foreign Affairs**, mentioned, 309.
- African slave trade**, U. S. desire for suppression of, 509.
- Alava, General**, Spanish Minister to Great Britain, mentioned, 231.
- Alberdi, Juan B.**, Argentine Minister to Great Britain, correspondence, 638 note; mentioned, 115, 117, 607.
- Albermarle, Duke of**, governor of Mosquito Coast, mentioned, 338 note.
- Alvarado, L.**, designated Honduran Minister to U. S., correspondence, 673-4 note.
- American Atlantic and Pacific Ship Canal Company**, contractor with Nicaragua for constructing Nicaraguan ship canal, British complaint against company's contract because of vested British interests, 57; U. S. protest against Great Britain collecting port charges from company's vessels at San Juan del Norte, 73-4, 444-9; protection of company's rights, 407 note, 420; alleged to incite Nicaraguans and Americans to take possession of San Juan del Norte, 424; British protests against company beginning operations before settlement of boundary dispute regarding San Juan del Norte, 424-6 note; British protest against company's abandonment of plan for a ship canal, 488-9.
- American citizens, arrested at Falkland Islands**, 3-4; outrages against, in Cuba, 585.
- Amiens, treaty of (1801)**, between Great Britain and Spain, mentioned, 523-4.
- Annexation policy of U. S.**, 92, 584.
- Anti-Slavery Convention**, London, 1844, mentioned, 249, 260.
- Anti-Slavery Reporter**, mentioned, 251.
- Appleton, John**, Acting Secretary of State, correspondence, 171, 733.
- Argentina**  
**Buenos Aires**, difficulties between, 115-17; French attitude, 235, 611, 637-8 note; British attitude, 117, 607, 611, 637-8 note; U. S. attitude, 116-17, 160-1, 173-4, 607, 637-8 note, 695.  
**La Plata River navigation rights** sought from, 450-1, 451-3 note.  
**Latin American states, relations between**, 451-3 note.  
**United States, relations between**, 230.  
**Atrato ship canal route**, mentioned, 635-6.
- Austria**, refuses to recognize government of Queen Isabella II of Spain, 244.
- Avis Island**, correspondence between U. S. and Great Britain regarding guano deposits and nationality of, 110-11, 591.
- Bancroft, George**, U. S. Minister to Great Britain, correspondence, 30-7, 289-307, 298-9 note, 305-6 and note.
- Bankhead, Charles**, British chargé d'affaires *ad interim* at Washington, correspondence, 3-4.
- Baring Brothers & Co.**, London, mentioned, 273.
- Bartlett, J. S.**, acting British consul at San Juan del Norte, correspondence, 703 note.
- Bay Islands: seizure and colonization by Great Britain and restitution to Honduras**, 86, 100, 117-18, 126-8, 134-6, 150-1, 168-71, 192, 195, 499, 502-6, 514-16, 521, 530-3, 557, 592-3, 596, 612-13, 639-42 and note, 643, 646-8, 650-3 and note, 673, 675, 677, 681-2, 686 note, 691 note, 699-700 and note, 704-6, 721-2, 725-32 note, 767-8; proclamation of British lieutenant governor setting up British government, 516 note; convention between Great Britain and Honduras restoring islands to Honduras, 681-2, 767-8. *See also* Clayton-Bulwer Treaty, Dallas-Clarendon Convention, Ouseley, and Ruatan.
- Belgium**, proposed as mediator in dispute between Great Britain and Nicaragua, 297 and note; not willing to undertake protection of Nicaragua against British encroachments, 300; treaty of commerce and navigation with Nicaragua, 300, 356.
- Belize, Honduras**, British rights and interests in, 85-8, 91, 100, 105-6, 120, 126, 132, 134, 146, 151-2, 158, 195, 216, 406 note, 496 note, 506, 514-19, 525, 531-3, 548-9, 558, 574-7, 612-13, 641-2 and note, 661, 666, 682, 686 note, 691 note, 722, 725-32 note,



- 767; British Acts of Parliament regarding status of, 524; Great Britain concludes treaty with Guatemala regarding boundaries of, 216, 218-24, 767. *See also* Clayton-Bulwer Treaty, Dallas-Clarendon Convention, *and* Ouseley.
- Belly, Felix, French citizen, negotiations with Costa Rica and Nicaragua for contract to construct Nicaraguan transit route disavowed by Great Britain and France, 746, 750.
- Bentinck, Lord George, member of British Parliament, mentioned, 288.
- Billault [Billaut], member, French Chamber of Deputies, mentioned, 267.
- Black Warrior*, U. S. steam packet, seizure of, in Cuba, 104-5, 107, 554-5.
- Bolivia, history of early relations with other Latin American states, 451-3 note.
- Bonnycastle, Captain, British Royal Engineers, book on Spanish America, quoted, 524-8.
- Borland, Solon, U. S. Minister to Nicaragua, ill-treated at San Juan del Norte, 108-9 and note.
- Boyd, James McHenry, U. S. chargé d'affaires *ad interim* at London, correspondence, 288-9.
- Brazil, use of U. S. vessels by slave traders of, 66, 358-9 and note, 419-20; early relations with other Latin American states, 451-3 note; expected to seek control of La Plata River from Argentina, 451; treaty (1851) of commerce and navigation with Uruguay, 457-8 and note. *See also* Pedro I.
- Brent, Daniel, Acting Secretary of State, correspondence, 3-4.
- Brent, William, Jr., U. S. chargé d'affaires at Buenos Aires, mentioned, 271-2.
- Bridge, *Annals of Jamaica*, cited in support of British pretensions to Mosquito Coast, 338 note.
- British Honduras. *See* Relize.
- Brougham, Lord, member, British House of Lords, quoted on abolition of slavery in Texas and U. S., 6-8; mentioned, 247.
- Brown, William, member, British Parliament, correspondence, 639-42 and note.
- Buchanan, James, Secretary of State and U. S. Minister to Great Britain, correspondence, 27-33, 84-111, 114-24, 266-78, 281-97, 496-9, 502-608, 610-39, 637-8 note; his recall, 122, 619.
- Buenos Aires, protest by Great Britain against unauthorized interference by U. S. chargé d'affaires in difficulties between Great Britain, France and, 271-2, 272-3 note. *See also* Argentina *and* Falkland Islands.
- Buitrago, Pablo, Nicaraguan Minister of Foreign Affairs, memoir regarding Nicaraguan claims to jurisdiction over Mosquito Coast answered by British chargé d'affaires in Central America, 337-41 note.
- Bulwer, Sir Henry Lytton, British Minister to U. S., correspondence, 59-66, 68-71, 349-50, 358-62, 391-3, 397-400, 402-3, 406-21, 406-8 note, 424-30, 432-7; mentioned, 58, 324. *See also* Clayton-Bulwer Treaty.
- Bunsen, Chevalier, Prussian Minister to Great Britain, mentioned, 266.
- Butler, Anthony, U. S. chargé d'affaires in Mexico, mentioned, 3 note.
- Calhoun, John C., Secretary of State, correspondence, 18-26, 256-66.
- California, proposed cession of, to U. S., 265-6, 291; to Great Britain, 265; to Prussia, 266.
- Canada, considered as receiving more advantages than U. S. under Canadian Reciprocity Bill, 66.
- Carlisle, Lord, member, British House of Peers, mentioned, 88-91.
- Carmarthen, Marquis of, member, British House of Peers, mentioned, 88-91.
- Cass, Lewis, Secretary of State, correspondence, 162-224, 695-768.
- Cass-Irisarri Treaty (1857) between U. S. and Nicaragua, mentioned, 177; discussion between U. S. and Great Britain regarding, 207-9, 749-50.
- Castellón [Castellan], Francisco, Nicaraguan chargé d'affaires to Great Britain, mentioned, 33, 296, 300; correspondence, 298-9 note, 305-6 and note.
- Castro, General José M., governor of Costa Rica, mentioned, 32.
- Central America  
 Clayton-Bulwer Treaty's application to. *See* Clayton-Bulwer Treaty.
- Discovery of, 367.
- France, appealed to for protection of independence of, 188; opposes British encroachments in, 298.
- Great Britain, has no intention of assuming jurisdiction over, 60-1, 391-2; appealed to for protection of independence of, 188; rights and interests in, 147-9, 387-9, 522-3; uses force to protect British rights in, 330, 345-6, 614-15. *See also* Clayton-Bulwer Treaty, Dallas-Clarendon Convention, *and* Ouseley.
- History of, 366-8.
- Occupation of, 367.
- Sardinia, appealed to for protection of independence of, 188.
- Spain, negotiations for recognition of independence of, 235; conquest and settlement of, 365-9; rights and interests in, 147, 371-2, 384-7, 387-9, 485, 522-3.
- United States, has no intention of assuming jurisdiction over, 60-1, 391-2; at-

Central America (*continued*)

- titute toward British rights and interests in, 86-7, 537, 572; rights and interests in, 121-2, 148-9, 306 note; seeks French views as to questions concerning, 188; urges settlement of boundary disputes between states of, 306 note, 333-6. *See also* Clayton-Bulwer Treaty, Dallas-Clarendon Convention, and Ouseley.
- Central American Federation, territorial rights acquired from Spain, 45; U. S. suggests reestablishment of, 334.
- Chatfield, Frederick, British consul general at Guatemala City and chargé d'affaires in Central America, mentioned, 301; orders occupation of Tigre Island by British naval forces, 56-7, 345-6; discusses Nicaragua's claims to jurisdiction over Mosquito Coast, 337-41 note; negotiates treaty between Costa Rica and Great Britain, 60-1, 391-2 and note, 418-19; protests abuse by U. S. chargé d'affaires in Central America, 434-5 and note.
- Childs, Colonel, reports on survey of Nicaraguan ship canal and transit route, 77, 450, 453-4, 462-5, 467-8, 480-2.
- Chile-Peru Bolivian Confederation, relations between, 238.
- Clarendon, Lord, British Secretary of State for Foreign Affairs, correspondence, 96-7 note, 494-5 note, 500-2, 518-29, 537-52, 556-77, 612-13, 615-19, 636 note, 658-61, 662, 666-7, 711-16 note, 725-32 note; mentioned, 102, 103, 503-16.
- Clarke, Beverly L., U. S. Minister Resident to Guatemala and Honduras, Great Britain resents his conduct in protesting against treaties between Great Britain and Honduras and Guatemala, 218-24, 219-22 note, 767.
- Clayton, John M., Secretary of State, correspondence, 33-64, 297-322, 324, 329-31, 336, 342-4, 349-51, 353-401.
- Clayton-Bulwer Treaty between the U. S. and Great Britain, negotiation of, and discussions as to its interpretation and application, 48, 59-60, 62, 63-4, 67-8, 73-4, 86-92, 96-7 note, 99, 105-7, 117-38, 140-55, 175, 183-6 and note, 189-90 note, 190-1, 193-201, 216-18, 319-20, 322, 333, 345-6, 354-6, 357 and note, 359-60, 394-8, 397 note, 403 note, 406-8 note, 444-9, 493-4, 495-6 note, 498-529, 535-53, 556-77, 592-8, 601-8, 612-13, 615-27, 630-4, 636 and note, 637-9, 643-5, 654-81, 721-4, 725-7 note, 729-32 note, 734-5, 742-6, 750.
- Colombia, boundary dispute with Costa Rica, 95, 498; application of Clayton-Bulwer Treaty to, 406-7 note; treaty (1846), peace, amity, commerce and navigation, with U. S., 172-3, 332; acknowledges independence of Mosquito Coast, 339 note.
- Colonization, title by, over inhabitants of colonized territory, 42-3.
- Columbus, Christopher, account of his discovery of North American continent, 367.
- Comyn, Chevalier, Spanish acting chargé d'affaires to Great Britain, mentioned, 555.
- Conducta, American vessel, interference with, by Mexico, upon advice of British Minister to Mexico, 766-7.
- Costa Rica
- Colombia, boundary dispute, 95, 498.
- France, treaty of amity, commerce and navigation negotiated between, 401.
- Great Britain, relations between, 300, 320-1, 344; British protection sought by, 32-3, 298; British protection denied, 60-1, 391-2 and note, 418-19; colonization of Costa Rica not desired by Great Britain, 48; treaty of amity, commerce and navigation negotiated, 401.
- Nicaragua, boundary dispute, 52, 157, 174-6, 300, 321, 323, 343-4, 355-6 note, 395-6, 402-3 note, 403-4, 404-5 note, 416, 423, 424-6 note, 431, 473-80, 482-3, 671 note, 684 note, 689 note, 716-20; proposed union of, 176.
- Spain, treaty of amity, commerce and navigation negotiated between, 401.
- United States, negotiations for treaty of amity, commerce and navigation between, 64, 68, 400-1, 423 and note.
- Crampton, John F., British chargé d'affaires and Minister to U. S., correspondence, 31-2, 37-8, 40, 69, 71-3, 75-9, 96-7 note, 110-14, 121-2, 124-5, 294-5, 301-2, 437-8, 441-4, 459-60 and note, 466, 468-80, 483-96, 494-5 note, 500-2, 517-18, 591, 598, 605, 609-10, 614-15, 636 and note; his recall, 139-40. *See also* Crampton-Webster proposals.
- Crampton-Webster proposals for settlement of boundary dispute between Costa Rica and Nicaragua, 76, 78, 101-2, 462, 466, 473-80, 510-11, 531.
- Craven, Lieutenant Tunis [J.] A.M., U. S. Navy, commissioned by U. S. to explore Darien region, mentioned, 172.
- Crimean War, British recruitment of soldiers in U. S. for service in, 123-4, 125, 126-7, 141, 625 note, 626-30, 632-3, 634-5, 645, 656-7 and note.
- Crittenden, John J., Acting Secretary of State, correspondence, 72-3, 441-2.
- Cuba
- American citizens outraged in, 585.
- France, interference in affairs of, opposed by U. S., 92-5, 102-4, 109-11; proposed loan to Spain with Cuba as guarantee, 239-41; alleged cooperation with Spain

Cuba (*continued*)

- and Great Britain to prevent invasion of, 439-43, 443 note; respects Spain's title to Cuba, 469; a rival of U. S. for possession of Cuba, 491; considered by Great Britain as having interest in Cuba, 491. *See also* Great Britain, Spain and United States *under this title*.
- Great Britain, protests against alleged invasion of Cuba from U. S., 69, 72-3, 432-4, 433 note, 437, 439-43, 443 note, 461-2; proposes convention between France, U. S. and Great Britain for protection of Cuba, 75-6, 79, 459-60 and note, 468-71, 490-3, *see also* doc. 2488, vol. vi, p. 466; interference in Cuban affairs opposed by U. S., 92-5, 102-4, 109-11; denies agreement with France to interfere in Cuban affairs, 534; proposed loan to Spain with Cuba as guarantee, 239-41; disclaims any designs on Cuba, 260-1; does not desire Cuba in hands of any power other than Spain, 459 note, 469-70; interests in Cuba, 369, 372-3, 491, 492, 506-9, 598. *See also* France, Spain, and United States *under this title*.
- Internal conditions in, 583.
- Spain, alleged to make Cuba an annoyance to U. S., 93-4; proposed loan from France and Great Britain with Cuba as guarantee, 239-41; alleged cooperation with France and Great Britain to prevent invasions of Cuba from U. S., 439-43, 443 note, 454-5, 461; title to Cuba respected by France, U. S., and Great Britain, 75-6, 239-40, 459 note, 469-70. *See also* France, Great Britain, and United States *under this title*.
- United States, interest in Cuba, 93-4, 508-9, 580-1; proposed acquisition of Cuba from Spain, 92, 497, 555, 579-85, 586-7. *See also* France, Great Britain, and Spain *under this title*.
- Cyane, U.S.S., destruction of San Juan del Norte by, 80-4, 108 note, 109, 494-5 note, 500-2.
- Daily News*, British newspaper, mentioned, 440.
- Dallas, George M., U. S. Minister to Great Britain, correspondence, 125-65, 171, 177, 187, 189, 201-18, 224, 639-700, 651-3 note, 673-4 note, 679 note, 707-8, 720, 735, 745-52, 759-67.
- Dallas-Clarendon Convention (1856) between U. S. and Great Britain, negotiation, interpretation, application, and failure of ratification of, 155-63, 168-71, 175, 191-3, 683-6 note, 688-93 note, 694-700, 699 note, 704-6. *See also* Bay Islands, Belize, Mosquito Coast, Ouseley, Ruatan, San Juan del Norte, San Juan River.

- Dalling, General, governor of Jamaica, mentioned, 90.
- Darien, Isthmus of. *See* Panama ship canal and transit route.
- Davis, John Chandler B., U. S. chargé d'affaires *ad interim* at London, correspondence, 439-41.
- Derrick, William S., Acting Secretary of State, correspondence, 71, 430.
- Discovery, title by, over inhabitants of discovered territory, 42-3; rights obtained under international law by, 366; Spanish rights in Central America obtained by, 366-8.
- Dominican Order of Missionaries, influence upon Mosquito Indians, 368.
- Dominican Republic, cooperation between France, Great Britain and U. S. to obtain peace between Haiti and, 61-2, 64-5, 68-9, 70-1, 73, 303, 393, 409, 411, 420-1, 426-9 and note, 435-6, 437-8 and note, 444; U. S. proposed protectorate over, 589.
- Drake, Sir Francis, adventures against Spain in West Indies and Central America, 368-9.
- Dufresne, L., Duke of Tiburón, Haitian Minister of Foreign Affairs, correspondence, 437-8 note.
- Duncan, Captain, arrests American citizens at Falkland Islands, 4.
- Edwards, Bryan, British subject, account of origin of British protectorate over Mosquito Coast, 380-2.
- Elliot, Captain, British commissioner to Mexico, his conduct in urging Mexico to recognize independence of Texas disapproved by Great Britain, 270.
- Ellis, Powhatan, U. S. Minister to Mexico, mentioned, 4, 236.
- Erskine, Captain John, commander H.M.S. *Orion*, correspondence, 703 note.
- Escalante, Don Antonio, governor of St. Andrew's Island, acknowledges independence of Mosquito Indians, 339 note.
- Escondon, agent of Mexico in London, mentioned, 273-4.
- European Powers, policies of discovery and conquest in America, 365.
- Eurydice*, British sloop of war, 647 and note, 656 note, 667-8.
- Everett, Edward, U. S. Minister to Great Britain and Secretary of State, correspondence, 6-17, 25-6, 79-80, 244-51, 253-6, 258-70, 487-90.
- Examiner*, British newspaper, mentioned, 441.
- Express*, British warship, mentioned, 73-4, 444-9.
- Fabens, Joseph W., U. S. commercial agent at San Juan del Norte, mentioned, 109.

- Falkland Islands**, American citizens arrested in, 3-4; agreement between Great Britain and Spain regarding, 5, 227, 241-2; Buenos Aires protests British occupation of, 228.
- Filibustering expeditions** from U. S. to Central America. *See* Walker, William.
- Flores**, Gen. Juan José, expedition against Ecuador prevented by Great Britain, 290.
- Florida**, territorial rights of Seminole Indians in, 42.
- Fonseca**, Bay of, British liens upon islands in, to satisfy British claims against Salvador, 353.
- Foot**, Thomas M., U. S. chargé d'affaires at Bogotá, mentioned, 54.
- Forsyth**, John, Secretary of State, correspondence, 4-5, 228-44.
- Fox**, Charles James, memorials and correspondence of, mentioned, 522.
- Fox**, Henderson and Co., British company to survey route for Panama Canal, 449, 453-4, 462-3, 465.
- France**  
   **Argentina**. *See* Buenos Aires under Argentina.  
   **Belly's activities** in Central America disavowed by, 746, 750.  
   **Buenos Aires** and. *See* Argentina and Buenos Aires.  
   **Central America** and. *See* Central America.  
   **Costa Rica** and. *See* Costa Rica.  
   **Cuba** and. *See* Cuba.  
   **Dominican Republic** and. *See* Dominican Republic.  
   **Filibustering expeditions** to Central America opposed by. *See* Walker, William.  
   **Great Britain** and. *See* under Argentina, Belly, Buenos Aires, Central America, Cuba, Dominican Republic.  
   **Hawaii** and. *See* Dominican Republic.  
   **Mexico**, dispute between, 5, 242-4, 242 note.  
   **New Caledonia** and. *See* New Caledonia.  
   **Plata**, Rio de la, navigation by, 450-1.  
   **Slave trade** treaties with Great Britain, 268.  
   **United States** seeks treaty with, similar to Clayton-Bulwer Treaty, 396-7. *See also* under Argentina, Buenos Aires, Cuba.
- Franciscan Order** of Missionaries, influence upon Mosquito Indians, 368.
- Galindo**, Colonel Juan, Central American representative in Great Britain, mentioned, 234-5.
- George Frederick**, King of Mosquitoes, mentioned, 474.
- Germaine**, Lord George, secretary, American Department, British Foreign Office, mentioned, 90-1.
- Geyser**, British steamer, mentioned, 83.
- Globe**, British newspaper, mentioned, 440-1.
- Godolphin**, Sir William, British Ambassador to Spain and negotiator of treaty of peace and friendship (1670) between Great Britain and Spain, mentioned, 90, 371.
- Gore**, Augustus Frederick, Acting British Colonial Secretary, mentioned, 504.
- Granville**, Lord, British Secretary of State for Foreign Affairs, correspondence, 446-9; mentioned as British Minister to Paris, 243; proposes survey of Panama ship canal and transit route, 449-50, 453-5.
- Great Britain**  
   **Argentina** and. *See* Buenos Aires under Argentina.  
   **Avis Island** and. *See* Avis Island.  
   **Bay Islands** controversy. *See* Bay Islands.  
   **Belgium** and. *See* Belgium.  
   **Belize** and. *See* Belize.  
   **Belly's activities** in Central America disavowed by, 746, 750.  
   **British Honduras** and. *See* Belize.  
   **Buenos Aires** and. *See* Argentina and Buenos Aires.  
   **California** and. *See* California.  
   **Canada**, independence from Great Britain suggested, 297.  
   **Cass-Irisarri Treaty** (1857) between U. S. and Nicaragua discussed by, 207-9, 749-50.  
   **Central America** and. *See* Central America.  
   **Chatfield's activities** in Central America. *See* Chatfield.  
   **Clayton-Bulwer Treaty** (1850) with U. S. *See* Clayton-Bulwer Treaty and Ouseley.  
   **Costa Rica** and. *See* Costa Rica and Crampton-Webster proposals.  
   **Crampton-Webster proposals** for settling boundary dispute between Costa Rica and Nicaragua, 76, 78, 101-2, 462, 466, 473-80, 510-11, 531.  
   **Crimean War**, soldiers recruited in U. S. by Great Britain for. *See* Crimean War.  
   **Cuba** and. *See* Cuba.  
   **Dallas-Clarendon Convention** (1856) with U. S. *See* Dallas-Clarendon Convention.  
   **Dominican Republic** and. *See* Dominican Republic.  
   **Drake's adventures** in West Indies and Central America, 368-9.  
   **Falkland Islands** and. *See* Falkland Islands.  
   **Filibustering expeditions** from U. S. to Central America, British attitude. *See* Walker, William.  
   **Flores expedition** to Ecuador prevented by, 290.

Great Britain (*continued*)

Fonseca Bay Islands and. *See* Fonseca Bay and Tigre Island.

France and. *See* Great Britain under France.

Guatemala, treaty defining boundaries of Belize, 216, 218-24, 767. *See also* Clarke, Clayton-Bulwer Treaty, Dallas-Clarendon Convention.

Hawaii and. *See* Dominican Republic.

Honduras, proposed arbitration between, for settling questions of Bay Islands, Belize, and Ruatan, 127-8, 639-42 and note, 643, 646-8, 650-3 and note; treaty of Aug. 27, 1856, mentioned, 167, 169, 218-24, 219-22 note, 698, 705, 767. *See also* Bay Islands, Belize, Clarke, Clayton-Bulwer Treaty, Dallas-Clarendon Convention, Ouseley, Ruatan.

Ireland, a cause of British non-interference in affairs of other nations, 291.

Mexico and. *See* Mexico.

Mosquito Coast and. *See* Mosquito Coast.

New Caledonia and. *See* New Caledonia.

Nicaragua and. *See* under Costa Rica, Mosquito Coast, Nicaragua, Nicaraguan ship canal and transit route, San Juan River, San Juan del Norte.

Nicaraguan ship canal and transit route. *See* Nicaraguan ship canal and transit route.

Plata, Rio de la, navigation by, 450-1.

Ruatan and. *See* Bay Islands and Ruatan.

Russia, peace negotiations between, 625-6.

Salvador, British claims against. *See* Fonseca, Bay of.

San Juan del Norte and. *See* San Juan del Norte.

Slave trade policy of. *See* Slave trade. Slavery attitude. *See* Slavery.

Spain, Florida transfer between, 42; provisions of treaties of 1783 and 1786 concerning Central America considered, 85, 87-8, 88-91, 106, 120, 338 note, 522-3, 525, 537, 572, 576-7, 612-13; treaty of peace of 1670, mentioned, 90, 371; treaty of peace of 1763, mentioned, 90; treaty (1809) of defensive and offensive alliance, mentioned, 524; commercial treaties (1814), mentioned, 524; British attitude toward recognition of Queen Isabella II, 244. *See also* Belize, Falkland Islands, Latin American states.

United States, relations between, 267, 536-7, 597; negotiations for postal convention, 554-5; proposed neutral rights treaty between, 598-9, 608; proposed consular convention between, 671. *See also* Accessory Transit Company, Avis Island, Bay Islands, Belize, Borland,

Buenos Aires, Canada, Cass-Irisarri Treaty, Central America, Chatfield, Clarke, Clayton-Bulwer Treaty, Crampton-Webster proposals, Crimean War, Cuba, *Cyane*, Dallas-Clarendon Convention, Dominican Republic, Guatemala, Hawaii, Honduras, Latin American states, Mexico, Mosquito Coast, Nicaragua, Nicaraguan ship canal and transit route, Otway, Ouseley, Poinsett, Ruatan, San Juan del Norte, San Juan River, Slavery, Squier, Texas, Walker (William).

Green, Benjamin E., U. S. special agent to Dominican Republic, mentioned, 64-5, 409.

Green, General Duff, alleged diplomatic agent of U. S., 251 and note.

Green, James, British consul at San Juan del Norte, correspondence, 609-10 note; mentioned, 74, 445, 448.

Green, Theodore P., lieutenant, U. S. Navy, mentioned, 82.

Greytown. *See* San Juan del Norte.

Griffith, Philip, British chargé d'affaires at Bogotá, correspondence, 715-16 note.

Grund, Francis J., U. S. special agent in Europe, correspondence, 188, 746-7.

Guano. *See* Avis Island, Lobos Islands.

Guatemala. *See* Belize, Clayton-Bulwer Treaty, Great Britain, Mosquito Coast.

Guizot, François, French Minister of Foreign Affairs, mentioned, 262-4, 267.

Haiti, difficulties with Dominican Republic. *See* Dominican Republic.

Hansard's Collection of Parliamentary Debates, mentioned, 88.

Harding, J. D., Queen's Advocate, correspondence, 495-6 note; mentioned, 517.

Harrison, U. S. consul at Jamaica, mentioned, 497.

Hawaii, U. S. objections to British and French interference in affairs of, 102-3; proposed annexation to U. S., 103, 534-5, 587-9.

Hawke, Lord, member, British House of Peers, mentioned, 88-91.

Haya [Hoya], Don Diego de la, governor of Costa Rica, mentioned, 339 note.

Herrán, Victor, Honduran Minister to Great Britain, correspondence, 679 note.

Hise, Elijah, U. S. chargé d'affaires in Central America, mentioned, 32, 49, 296.

Hodgson, Robert, English subject, report on activities to incite Mosquito Indians against Spain, 373-6.

Hoffschmidt, M. de, Belgian Minister of Foreign Affairs, correspondence, 297 note.

Hollins, George N., commander, U.S.S. *Cyane*, bombards San Juan del Norte, 81-3, 108 note, 109, 494-5 note, 500-2.

- Honduras, treaty of August 27, 1856 between Great Britain and, mentioned, 167, 169, 681-2, 698, 705, 768; U. S. Minister Resident in Guatemala and Honduras protests against treaty, 218-24, 219-22 note, 767; proposal by U. S. chargé d'affaires in Honduras for arbitration with Great Britain over question of Bay Islands, Ruatan and San Juan del Norte, 127-8, 639-42 and note, 643, 646-8, 650-3 and note; treaty (1849) of commerce and navigation with U. S., mentioned, 58, 673-4 and note. *See also* Bay Islands, Belize, Clayton-Bulwer Treaty, Dallas-Clarendon Convention, Great Britain, Mosquito Coast, Ruatan, Tigre Island.
- Hotham, Sir Charles, mentioned, 456-8, 461.
- Houston, General, President of Texas, mentioned, 245.
- Hudson, James, British Minister to Brazil, correspondence, 358 note.
- Hume, member, British House of Commons, mentioned, 489.
- Hunter, William, Acting Secretary of State, correspondence, 77-9, 437-9.
- Indians, rights of, 147-8, 316-17, 366, 530, 541, 574.
- Ingersoll, Joseph R., U. S. Minister to Great Britain, correspondence, 79-84, 95, 487-90, 493-4, 498; mentioned, 482.
- International law, rights of discovery under, 366; U. S. expansion considered in conformity with, 92; right of succession of revolting colony under, 146.
- Ireland, cause for Great Britain's disinclination to interfere in affairs of other nations, 291.
- Irvine, William Douglas, British chargé d'affaires *ad interim* at Washington, correspondence, 767-8.
- Irving, Washington, U. S. Minister to Spain, mentioned, 244.
- Isabella II, Queen of Spain, Austria refuses to recognize, 244.
- Isturiz, Spanish Minister to Great Britain, mentioned, 454-5, 461, 509.
- Jamaica, British acquisition of, 369.
- Jeremy, King of Mosquito, mentioned, 338 note.
- John v. McIntosh (8 Wheaton 543), mentioned, 530.
- Journal des Débats*, mentioned, 262-5.
- Juarez government in Mexico recognized by U. S., 212, 214-15.
- Juarros, Don Domingo, Guatemalan historian, cited, 339 note.
- Kelley, Frederick M., U. S. citizen, mentioned, 535-6.
- King, William R., chairman, Senate Committee on Foreign Relations, mentioned, 63.
- Kinney, Henry L., American citizen, organizer of Central America Land [Mosquito Colonization] and Mining Company, mentioned, 609-10 and note.
- Lacayo de Briones, Don José A., governor of Nicaragua in 1744, mentioned, 339 note.
- Latin American states, British assistance in obtaining Spain's recognition of independence of, 4 note, 232, 524; U. S. interest in Spain's recognition of independence of, 229-30, 232; U. S. opposes Spain's request for European assistance in recovering, 93; Peru opposes British or European interference in affairs of, 32.
- Lawes, Nicholas, governor of Jamaica, mentioned, 338 note.
- Lawrence, Abbott, U. S. Minister to Great Britain, correspondence, 39-58, 62, 64, 67-8, 73-4, 76-9, 318-49, 351-7, 355-6 note, 360-97, 400-1, 403-5, 404-5 note, 422-3, 431, 442-58, 461-5, 467-8 and note, 480-3.
- Livingston, Edward, Secretary of State, correspondence, 227.
- Livingston, J. N., U. S. consul at León, British complaint against his conduct, 410-11 and note, 417 and note; his removal, 418 note.
- Lobos Islands, dispute between U. S. and Peru over extraction by American citizens of guano from, 79-80, 467 and note.
- Lopez, General, alleged cooperation between Great Britain, France and Spain to prevent invasion of Cuba by American citizens under, 69, 72-3, 432-4 and note, 439-43 and note.
- Ludlow, Thomas W., president, Panama Railroad Company, mentioned, 56.
- Lyons, Lord Richard B., British Minister to U. S., correspondence, 218-24, 219 note, 767.
- Lyttleton, governor of Jamaica in 1763, mentioned, 90-1.
- Macdonald [McDonald?], Colonel Archibald [Alexander?], superintendent of British Honduras, mentioned, 525, 562, 596, 603.
- McLane, Louis, U. S. Minister to Great Britain and Secretary of State, correspondence, 3-4 note, 27-9, 228, 270-87.
- Malmesbury, Lord, British Secretary of State for Foreign Affairs, correspondence, 184-6 note, 189-90 note, 447, 459-60 note, 463-5, 467, 472-81, 753-5 note, 758 note.

- Malvina Islands.** See *Falkland Islands*.
- Malta,** British military efforts in, 297-8.
- Manchester,** Duke of, member, British House of Peers, mentioned, 88-91.
- Mann, A. Dudley,** Acting Secretary of State, correspondence, 97-8.
- Marcoleta, José de,** Nicaraguan Minister to France, Great Britain and U. S., mentioned, 69, 296, 300, 343-4, 483; correspondence, 297 note, 392-3 note.
- Marcy, William L.** Secretary of State, correspondence, 80-96, 98-162, 493-9, 502-18, 529-37, 552-5, 578-611, 614-15, 619-58, 662-95.
- Martin García Island,** neutrality of, provided in treaty (1851) between Brazil and Uruguay, 457-8 and note.
- Maserano, Prince of,** Spanish Ambassador at London, mentioned, 5.
- Mason, John Y.,** U. S. Minister to France, correspondence, 579-85 note, 586-7, 637 note.
- May, Captain,** British steamer *Teviot*, mentioned, 30-1, 292-4.
- Mexico**  
   Clayton-Bulwer Treaty's application to, 406-7 note.  
   France, dispute between, 5, 242-4, 242 note.  
   Great Britain, treaty of December 26, 1826, 85, 100, 524, 539; use of force to collect British claims against, opposed by U. S., 213-15, 761-3.  
   British attitude toward disturbed conditions in, 749, 755-7. See also *Otway*.  
   Spain, recognition of Mexican independence, 230, 233-4; U. S. desire for amicable relations between, 173.  
   Texas, blockades Mexican ports, 245; Great Britain disapproves British Minister to Mexico urging Mexico to recognize Texan independence, 270, 282; British suggestion as to boundaries between, 275.  
   United States, recognition of Mexican independence, 20, 26, 212, 214-15; war between, U. S. attitude, 26-8, 189, 275-7, 279-80, 281-2; British attitude, 102-4, 109-11, 224, 270-1, 275, 277-8, 282, 284, 286-7, 289-90, 291-2, 295; alleged British interference in, 30-1, 273-4, 278, 282-3, 286-7, 288, 290, 292-4; British offer of mediation, 28-9, 275, 280-7; effect of war upon Great Britain, 276-8, 290; British protest against boundaries between U. S. and Mexico in treaty of peace (1848), 31-3, 275, 294. See also *Poinsett*.  
   Michler, Lieutenant Nathaniel, U. S. Navy, commissioned by U. S. to explore Darien region, 172.  
   Miraflores, Marquis de, Spanish Minister to Great Britain, mentioned, 230.
- Miramón government in Mexico,** U. S. refuses to recognize blockade of Vera Cruz by, 224.
- Modryford, Sir Thomas,** governor of Jamaica, mentioned, 369.
- Molé, Count Louis M.,** French Minister of Foreign Affairs, mentioned, 243.
- Molina, Felipe,** Costa Rican Minister to Great Britain, correspondence, 355-6 note, 392-3 note, 403-5 and note, 424-6 note; mentioned, 64, 100, 344, 394, 401, 423 note, 482.
- Monroe, James,** President of the U. S., mentioned, 84; message to Congress, December, 1823, quoted, 526-7, 538.
- Monroe Doctrine,** its adoption by U. S., 84-5; its application to Central American questions in dispute between U. S. and Great Britain, 85-6, 505-6, 527, 538; Great Britain denies its binding effect upon European Powers, 541, 573-4.
- Montevideo,** war with Buenos Aires, 273 note.
- Montilla, General,** Venezuelan Commissioner to Great Britain, mentioned, 230-1.
- Morning Chronicle,** London newspaper, quoted, 6-8; mentioned, 29, 267, 291, 440.
- Morning Herald,** London newspaper, quoted, 759 note; mentioned, 440.
- Morning Post,** London newspaper, mentioned, 307-8, 440, 699-700 note.
- Mosquera, Joaquín Rafael,** Colombian Minister to Great Britain, proposal for Panama ship canal and transit route, 253-5 and note.
- Mosquito Coast**  
   Boundaries of, under Dallas-Clarendon Convention, 156-7, 159, 683 note, 685 note, 688 note.  
   Central American Federation's rights in, 45.  
   Clayton-Bulwer Treaty's application to. See *Clayton-Bulwer Treaty*.  
   Colombia acknowledges independence of, 339 note.  
   Costa Rica acknowledges independence of, 339 note; seeks jurisdiction over, 392-3 and note, 394; dispute between Costa Rica and Nicaragua over, 76, 394-5, 416, 462. See also *Costa Rica-Nicaragua boundary dispute*.  
   Crampton-Webster proposals' application to. See *Crampton-Webster proposals*.  
   Dallas-Clarendon Convention's application to. See *Dallas-Clarendon Convention*.  
   Dominican Order of Missionaries' influence upon, 368.  
   Franciscan Order of Missionaries' influence upon, 368.  
   Geographical limits of, 363-4.

**Mosquito Coast (continued)**

- Great Britain, first attempts to tamper with, 369; attempts at occupation or protection of, 372; seeks to incite inhabitants of, against Spain, 369, 373-9; treaty (1720) between, cited, 338 note, 382-3; treaty regarding absconding slaves, mentioned, 44; formal possession taken by Great Britain, 261; British pretensions to, 36, 88, 96-7, 297-8, 300, 303-7, 337-41 and note, 379-83, 495-6 note, 517, 524-8, 538-40, 542, 550-1, 572-4, 604, 660, 664-5; suggests establishment of, as independent state, 363, 396, 483-7, 494-5 note, 511-12; discussion of British rights in, under treaties with Spain, 88-91, 338 note, 340-1 note, 363, 379, 383-4, 503-5, 511, 521-3, 558; concludes treaty with Nicaragua relinquishing protectorate over, 768.
- Guatemala's right of succession to Spanish title to, 43, 45.
- Honduras, recognizes independence of, 343-4; territorial rights in, 97 note, 473-4, 478.
- Kinney expedition to, 609-10 and note.
- Mexico's right of succession to Spanish title to, 539.
- Nicaragua, recognizes independence of, 339 note; claims to jurisdiction over, 45-6, 76, 88, 97 note, 303, 307, 337-41 note, 343-4, 416, 462, 529-32, 680-2, 722, 725-7 note, 730-2 note; concludes treaty with Great Britain relinquishing British protectorate over, 768.
- Population of, 364-5, 527-8.
- Spain, title to, denied by Great Britain, 363, 390 note; refuses to recognize independence of, 363; jurisdiction over, 337-41 note, 365-8. *See also* Great Britain and United States *under this title*.
- United States, views as to status of, 42-4, 81, 101-2, 154-9, 304, 321, 333-6, 343-4, 362-89, 511-12, 516, 518, 669-70, 684-5 note, 689-90 note; opposes British pretensions to, 33-6, 38-9, 40-52, 81, 86, 119-20, 126, 133, 149-50, 300-1, 304, 312-17, 321, 333-6, 355-6, 357 note, 360-1, 369-71, 498, 500-3, 511-15, 531-3, 537-8, 557, 565-74, 592, 612-13, 666-7, 670-2, 675, 677-81, 678-9 note; upholds Nicaragua's sovereignty over, 38, 42-3, 50, 312-17, 570, 728-9 note; views as to Guatemala's succession to title of Spain to, 43, 45; views as to Spain's title to, prior to independence of Central American states, 41-2. *See also* Great Britain and Spain *under this title*.
- Murphy, William S., U. S. special agent to Guatemala, mentioned, 497, 525.
- Napier, Lord, British Minister to U. S., correspondence, 163, 165-86, 184-6 note, 189-201, 189-90 note, 695-6, 701-7, 703 note, 709-45, 711-15 note, 725-32 note, 748, 752-8, 753-5 note, 758 note.
- Napoleon, Emperor of France, his hostility towards U. S., 590.
- Neutral rights, proposed treaty between Great Britain and U. S. regarding, 598-9, 608.
- New Caledonia, possession of France, 103; considered a British possession, 103.
- New Granada. *See* Colombia.
- Nicaragua
- Accessory Transit Company and. *See* Accessory Transit Company.
  - American Atlantic and Pacific Ship Canal Company and. *See* American Atlantic and Pacific Ship Canal Company.
  - Belgium and. *See* Belgium.
  - Belly's activities in. *See* Belly.
  - Cass-Irisarri Treaty with U. S. *See* Cass-Irisarri Treaty.
  - Clayton-Bulwer Treaty's application to. *See* Clayton-Bulwer Treaty.
  - Costa Rica and. *See* Costa Rica.
  - Crampton-Webster proposals' application to. *See* Crampton-Webster proposals.
  - Dallas-Clarendon Convention's application to. *See* Dallas-Clarendon Convention.
  - Filibustering expeditions from U. S. to. *See* Walker, William.
  - Great Britain, attitude toward, 48, 324. *See also* under Costa Rica, Mosquito Coast, Nicaraguan ship canal and transit route, San Juan River, San Juan del Norte.
  - Mosquito Coast and. *See* Mosquito Coast.
  - San Juan del Norte and. *See* San Juan del Norte.
  - San Juan River and. *See* San Juan River.
  - United States, Cass-Irisarri Treaty (1857) between, discussed, 177, 207-9, 749-50. *See also* under Costa Rica, Mosquito Coast, Nicaraguan ship canal and transit route, San Juan del Norte, San Juan River.
  - Nicaraguan ship canal and transit route.
    - Accessory Transit Company and. *See* Accessory Transit Company.
    - American Atlantic and Pacific Ship Canal Company and. *See* American Atlantic and Pacific Ship Canal Company.
    - Belly's activities regarding. *See* Belly.
    - Clayton-Bulwer Treaty's principal object the construction of, 142-5. *See also* Clayton-Bulwer Treaty.
    - Costa Rica, claims to jurisdiction over, 50-1, 424-6 note, 431; proposed cession of Costa Rican territory for, 309. *See also* Costa Rica-Nicaragua boundary dispute.
    - Crampton-Webster proposals' application to. *See* Crampton-Webster proposals.



Nicaraguan ship canal and transit route  
(continued)

- Dallas-Clarendon Convention's application to. *See* Dallas-Clarendon Convention.
- Great Britain, objects to contract between American citizens and Nicaragua for construction of, because of vested British interests, 37-8, 57, 300-1; British attitude toward cooperation with U. S. for opening and guaranteeing neutrality of, 46-7, 63-4, 174-6, 304, 318-22, 330-1, 465, 467, 468, 480-2, 542-4, 716-20, 757-8 and note. *See also* United States *under this title*, Clayton-Bulwer Treaty, Dallas-Clarendon Convention, Ouseley.
- Honduras grants U. S. island in Pacific for outlet for, 333.
- United States, upholds American citizens' contract with Nicaragua for construction of, 38-40, 48, 330, 312-17; U. S. attitude toward cooperation with Great Britain for opening and guaranteeing neutrality of, 49, 53-4, 76, 326-7, 322-6, 343-4, 346-7, 482-3, 635-6; discusses with Great Britain treaty (1849) between U. S. and Nicaragua regarding, 39, 47-9, 60, 66-8, 332, 345-6, 361-2, 398, 399-400 and note, 411-15, 429-30; U. S. views as to practicability and advantages of, 49; U. S. alleged desire for monopoly over, 50, 307; determined to protect route, 58.
- Oregon question between the U. S. and Great Britain, mentioned, 27, 29, 250, 265-7, 271, 274, 276-8, 283.
- Orion, H.M.S., mentioned, 703 note.
- Orizaba, U.S.S., forbidden by British to land with passengers at San Juan del Norte, 647 and note, 648-50, 656 note, 667-8.
- Orosambo (6 Robinson's Reports, 430), case of the, quoted, 31, 293.
- Osma, Joaquín de, Peruvian Minister to Great Britain, mentioned, 32-3, 296.
- Otway, British Minister to Mexico, refuses to render assistance to American citizens in danger in Mexico, 211-13, 761-2, 765; advises Mexico to interfere with American vessel *Conducta*, 766-7.
- Ouseley, William Gore, British Minister to Central America, appointment, 720, 725 note; purpose of his mission to carry out provisions of Clayton-Bulwer Treaty, 721-3, 725-7 note, 730-2 note; discussion between U. S. and Great Britain as to purposes of his mission, 177-86, 189, 193-201, 726 note, 736-42, 753-5 note; objects of his mission to restore Bay Islands to Honduras, 195, 721-2, 725-7 note, 730-2 note, to settle questions as to British protectorate over Mosquito Coast, 195, 722, 725-7 note, 730-2

note, to delimit boundaries of Belize, 195, 722, 725-7 note, 730-2 note; negotiates treaty between Great Britain and Nicaragua, 202, 747-8, 752-3; failure to carry out his instructions, 203-11, 216-18, 759 and note; Great Britain sends naval force to Nicaragua to protect him, 749, 751-2; his conduct disapproved by Great Britain, 760-1; memorandum giving history of early relations between Latin American states, 451-3 note.

- Pageot, Alphonse Joseph Yver, French Minister to U. S., mentioned, 262, 264.
- Paget, Sir C., commander, British naval forces in Mexico, mentioned, 242-3.
- Pakenham, Richard, British Minister to U. S., correspondence, 18-25, 252, 256-8, 272-3 and note; mentioned, 242, 262, 265-6.
- Palmerston, Lord, British Secretary of State for Foreign Affairs, correspondence, 292-3, 319-20, 322-9, 332-42, 345-9, 351-3, 403 note, 424-6 and note, 443 note, 444-5; mentioned, 5, 38-9, 236, 239, 242-3, 286-7, 312-17; correspondence with Nicaragua regarding British claims to Mosquito Coast, cited, 88; explanation in House of Commons of U. S. position with regard to Panama riots, 708 note.
- Panama Isthmus, Great Britain proposes agreement with U. S. to guarantee neutrality of, 709-10, 710-16 and note; treaty (1846) between U. S. and Colombia regarding, 172-3; Colombia objects to British encroachments on, 255-6, 261-2.
- Panama Railroad, guarantee of neutrality of, sought from Great Britain, 56; correspondence between U. S. and Great Britain regarding protection of, 163-7, 706-10, 710-16 and note; treaty (1846) between U. S. and Colombia regarding, 172-3.
- Panama riots, massacre of American citizens and seizure of property on the Isthmus, correspondence between the U. S. and Great Britain concerning, 163-5, 701-2; explanation by Lord Palmerston in British House of Commons concerning, 708 note.
- Panama ship canal and transit route, a secondary object of the Clayton-Bulwer Treaty, 145; proposed agreement between U. S. and Great Britain guaranteeing neutrality of, 54-6, 253-5, 254-5 note, 326-7, 332-6, 489-90, 701; surveys of, by Great Britain and U. S., 55, 77, 171-2, 325, 329, 449-50, 453-5, 457, 462-4, 487; construction by American citizens, 326, 332; Colombian decrees regarding construction of, mentioned,

- 254-5; Colombia desires U. S. cooperation in construction of, 261-2; probability of Great Britain concluding treaty with Colombia guaranteeing neutrality of, 331; importance of, compared with that of the Nicaraguan ship canal and transit route, 490.
- Paraguay, early relations with other Latin American states, 451-3 note.
- Paraguay River, mutual interests of Latin American states in navigation of, 451-3 note; treaty (1851) between Brazil and Uruguay regarding navigation of, 457-8 and note.
- Paraná River, mutual interests of Latin American states in navigation of, 451-3 note; Great Britain seeks free navigation of, 456-7; treaty (1851) between Brazil and Uruguay regarding navigation of, 457-8 and note.
- Paredes, General, President of Mexico, assisted by Great Britain in war between U. S. and Mexico, 30-1, 292-4; his ill-treatment of U. S., 274.
- Parliamentary Register*, 1787, cited, 91 note.
- Passenger tax imposed by Colombia on Isthmus of Panama. *See Taxes.*
- Pazos, Vicente, Bolivian consul general in London, mentioned, 238.
- Pedro I, former Emperor of Brazil, places his daughter upon Portuguese throne, 228; his death, 228; effect of these events upon Portugal and Brazil, 228-9.
- Peel, Sir Robert, member, British House of Commons, mentioned, 29, 245, 265, 284-7.
- Pendleton, U. S. chargé d'affaires to Argentina, mentioned, 79.
- Peru, opposes interference by Great Britain or European Powers in affairs of Latin American states, 32; maintains right to the Lobos Islands, 79-80, 467 and note.
- Peru-Bolivian Confederation, relations with Chile, 238.
- Philippine Islands, proposed as guarantee for loan to Spain by France and Great Britain, 239-41.
- Plata, Rio de la, navigation of, sought by U. S., 78-9, 116, 482-3; by Great Britain, 450-1, 456-7, 461; by France, 451, 456-7, 461; Brazil expected to seek control of river from Argentina, 451; treaty (1851) between Brazil and Uruguay regarding, 457-8 and note; mutual interests of Latin American states in, 451-3 note.
- Poinsett, Joel Roberts, U. S. Minister to Mexico, his collisions with Mexican population, 3 note.
- Polk, James K., President of U. S., his reaffirmation of Monroe Doctrine, 85.
- Porchester, Lord, member, British House of Peers, mentioned, 88-91.
- Porto Rico, proposed as guarantee for loan to Spain by France and Great Britain, 239-41.
- Portugal. *See Pedro I.*
- Progreso*, Salvadorean newspaper, quoted, 435 note.
- Prometheus*, U. S. steamer, mentioned, 73-4, 444-9.
- Prussia, proposed cession of California to, 266; proposed recognition of government of Queen Isabella II of Spain, 244.
- Pultney, Sir William, of British Admiralty, views as to British possessions in West Indies and Cuba, 372-3.
- Rate, Texas consul in London, mentioned, 249.
- Rawdon, Lord, member, British House of Lords, mentioned, 88-91, 523.
- Revolution, recognized by U. S. as legitimate means for succession by colony to rights of parent state, 146.
- Rivas, Patricio, President of Nicaragua under Walker, recognized by U. S., 138-9, 650, 653.
- Rivero, Francisco de, Peruvian chargé d'affaires at London, correspondence, 467 and note.
- Rives, William C., U. S. Minister to France, correspondence, 38-9, 307-17, 396-7; mentioned, 482.
- Robert, Charles Frederick, King of the Mosquitoes, mentioned, 339 note.
- Robinson, Lourie [Lowrie], Mosquito general, mentioned, 339 note.
- Rochford, Lord, British Minister of Foreign Affairs, mentioned, 5.
- Rodgers, Commodore George D., U. S. Navy, correspondence, 4 note; mentioned, 3.
- Rosa, Martínez de la, Spanish Secretary of State, mentioned, 230-1.
- Rosas, Gen. Juan Manuel, governor of Buenos Aires, mentioned, 272, 273 note, 452-3 note, 461.
- Ruatan, British claims to possession of, 100, 525, 530, 549-50, 643-4, 660, 665; U. S. views as to British claims, 100, 107, 117-18, 135-6, 504, 506-8, 557, 559-65, 596, 603, 612-13, 650, 675; history of, 560-4; U. S. considers island as belonging to Honduras, 561, 596, 603; application of treaty (1826) between Great Britain and Mexico to, 563; proposal of former U. S. chargé d'affaires Squier in Honduras for arbitration of dispute over, between Great Britain and Honduras, 127-8, 639-42 and note, 643, 646-8, 650-3 and note; Great Britain protests against alleged expedition from U. S. to, 695-6. *See also* Bay Islands, Clayton-Bulwer Treaty, Dallas-Clarendon Convention, Ouseley.

- Russell, Lord John, British Secretary of State for Foreign Affairs, correspondence, 219-22 note, 483-7, 490-3; mentioned, 318, 489; memorials and correspondence of Charles James Fox, mentioned, 522; views as to British position regarding Mosquito Coast and San Juan del Norte, quoted, 604.
- Russia, proposed recognition by, of government of Queen Isabella II of Spain, 244; alleged interference with British ships conveying gold from Australia, 620-2 and note, 623.
- St. George, Chevalier de, French representative to obtain from Brazil and Argentina free navigation of La Plata River, mentioned, 456-7, 461.
- St. Jean d'Ulloa, fort, captured by French forces in Mexico, 243-4.
- Salvador, suggested annexation to U. S., 305-6 note; Great Britain uses force to satisfy claims against, 353.
- Samana Bay [Dominican Republic], alleged cession to Great Britain, 37; proposed acquisition by U. S. as naval base, 589.
- San Juan del Norte, port of: British claims to, 97 note, 297-8, 298-9 note, 304-5, 305-6 and note, 314-15, 323-4, 333-6, 389-90 note, 413-14, 495 note, 500-2, 540, 542; U. S. views as to British claims, 33-6, 50, 53-4, 81, 83, 112-14, 133, 150-1, 300-1, 343-4, 572-4; proposal that port be declared a free city, 97 note, 111-15, 154, 158-60, 483-7, 511-12, 515, 605-6, 641-2 and note, 664, 666-7, 669, 671 note, 678 note, 684 note, 689 note; Costa Rica's interest in, 36, 81, 114, 157-60, 300, 304, 306 note, 424-6 note, 500-2; Nicaragua's interest in, 81, 112-14, 158-60, 343-4, 389-90 note, 407 note, 413-14, 500-2, 671 note, 678 note; Mosquito Coast's interest in, 81, 112-14, 474-5, 479, 495 note, 500-2; proposed cession to Costa Rica, 394, 395, 402-3 note, 408 note, 413-14, 422 note; proposed cession to Nicaragua, 306 note, 323-4, 328-9, 331; negotiations between Great Britain and Nicaragua regarding British occupation of, 36, 296, 297 and note, 299-300, 526, 656 note; dispute between U. S. and Great Britain over collection of port charges by Great Britain, 73-4, 410-11 and note, 417 and note, 420, 430, 446-9; dispute between U. S. and Great Britain over bombardment of port by U. S. naval forces, 80-4, 107-9, 108 note, 494-5 note, 500-2, 578-9, 587, 593, 595, 599-601; dispute between U. S. and Great Britain over debarkation of American soldiers at, 121, 609-10 and note; Great Britain desires some friendly arrangement regarding, 547, 550-2; character of inhabitants of, 111.
- San Juan River, Great Britain objects to contract of American citizens with Nicaragua for navigation of, because of vested British interests, 37-8, 302; Costa Rica's rights in, 157, 304, 671 note, 678 note, 684 note, 689 note, 727-7 note; British proposal for free navigation of, by Costa Rica, 174-6, 716-20; Mosquito Coast's rights in, 304, 310-12; Nicaraguan jurisdiction over, 671 note, 678 note.
- Sandwich Islands. *See* Hawaii.
- Santa Anna, Gen. Antonio López de, President of Mexico, mentioned, 265.
- Santa Maria, Mexican Minister to Spain, mentioned, 234.
- Sardinia, appeal of Central American states for protection of their independence, 188.
- Sartiges, Count de, French Minister to U. S., mentioned, 460.
- Schenck, U. S. Minister to Argentina, mentioned, 78-9.
- Scott, Sir William, opinion in case of the *Orosemo*, quoted, 31, 293.
- Search and visit in time of peace, U. S. seeks British view as to practise of, 188, 746.
- Seminole Indians in Florida, effect of Florida transfer upon, 42.
- Seymour, Sir George, British vice admiral, mentioned, 448-9.
- Shields, U. S. chargé d'affaires in Venezuela, mentioned, 295.
- Slave trade, treaties between France and Great Britain (1831, 1833), 268; British protest against alleged use of U. S. vessels at Rio de Janeiro by Brazilian slave traders, 66, 358 and note, 359 note, 419-20.
- Slavery, abolition of: British efforts, 5, 6-8, 22-5, 246-7, 249-50, 252-3 note, 256-8, 260-1, 508, 598; U. S. attitude, 4-17, 18-19, 22-5, 94, 256-8, 509, 699-700 note; effect upon slaves, 12-13, 20-2; effect upon Texas, 15-16; effect upon U. S., 12-16, 20; effect upon Cuba, 17.
- Sloane, Sir Hans, British subject, account of origin of British protectorate over Mosquito Coast, 380-2.
- Smith, Ashbel, Texan chargé d'affaires at London and Paris, mentioned, 245, 260, 266-7.
- Soublette, General, Venezuelan commissioner to Great Britain, mentioned, 231-3.
- Soulé, Pierre, U. S. Minister to Spain, correspondence, 579-87; his arrest and detention by France, 589-91, 592.
- Spain  
Austria and. *See* Austria.  
Central America and. *See* Central America.

Spain (*continued*)

- Central American Federation and. *See* Central American Federation.  
 Costa Rica and. *See* Costa Rica.  
 Cuba and. *See* Cuba, Lopez.  
 Discovery rights in Central America, 366-8.  
 Falkland Islands and. *See* Falkland Islands.  
 Great Britain and. *See* Spain under Great Britain.  
 Latin American states and. *See* Latin American states.  
 Mexico and. *See* Mexico.  
 Mosquito Coast and. *See* Mosquito Coast.  
 Prussia and. *See* Prussia.  
 Russia and. *See* Russia.  
 Venezuela's independence recognized by, 230-4.  
 Squier, Ephraim George, U. S. chargé d'affaires in Central America, mentioned, 33, 36, 48, 56; treaty (1849) of amity, commerce and navigation between U. S. and Nicaragua negotiated by, 67-8, 323-4, 345-6, 399-400 and note, 411-15, 429-30; Great Britain protests against his abuse of Chatfield, British chargé d'affaires in Central America, 434-5 and note; suggests arbitration of questions regarding Bay Islands, Belize, Ruatan, and San Juan del Norte, 639-42 and note, 643, 646-8, 650-3 and note.  
*Standard*, British newspaper, mentioned, 440.  
 Stevenson, Andrew, U. S. Minister to Great Britain, correspondence, 4-5, 235-44.  
 Stormont, Lord, member, British House of Lords, mentioned, 88-91.  
 Succession, right of, by revolution, 146.  
 Tarlton [Tarleton?], Captain, British ship of war *Eurydice*, 647 and note, 656 note, 667-8.  
 Taxes imposed by Colombia on Isthmus of Panama, U. S. correspondence with Great Britain concerning, 163-7, 706-8; British view, 711-15 note.  
 Tehuantepec Isthmus, canal through, a secondary object of the Clayton-Bulwer Treaty, 145, 152-3; U. S. views as to equality with Great Britain in, 52.  
 Temple, R., British Chief Justice at Belize, mentioned, 506.  
 Terrell, General, designated Texas chargé d'affaires to Europe, 266-7.  
*Teviot*, British steamer, mentioned, 30-1, 292-4.  
 Texas, difficulties with Mexico, 19-20, 235-8, 244, 245, 247-8, 249-50, 270, 275; recognition of independence of, by Mexico, 6, 252 note, 270, 282-3, by U. S., 20, 26, by Great Britain, 6-8, 249-50, 252-3 note, by France, 268; annexation to U. S., 18-20, 22-6, 235-6, 256-60, 262-5, 268-70; British attempt to abolish slavery in, 18-19, 22-6, 237, 244-5, 248-51, 251 note.  
 Thiers, former French Minister of Foreign Affairs, mentioned, 264.  
 Thurlow, Chancellor of Great Britain, mentioned, 88-91.  
 Tigre Island, British occupation to force payment by Honduras of claims of British subjects, 56-9, 344-54; display of American colors on, 68, 429; proposed cession to U. S., 347-54.  
*Times*, London newspaper, mentioned, 29, 123, 235, 262-3, 288, 291, 440, 623-6.  
 Tinklepaugh, Captain, U.S.S. *Orizaba*, mentioned, 648, 668.  
 Tonnage duties imposed by Colombia on Isthmus of Panama. *See* Taxes.  
 Treaties and conventions: Madrid (1670), Great Britain and Spain, peace and friendship, 90, 338 note, 363, 369-71; Versailles (1783), Great Britain and Spain, peace, commerce, *see* Spain under Great Britain; London (1786), Great Britain and Spain, boundary, *see* Spain under Great Britain; London (1809), Great Britain and Spain, peace, friendship, alliance, 524; Madrid (1814), Great Britain and Spain, commerce, 524; London (1826), Great Britain and Mexico, amity, commerce, navigation, 85, 100, 524, 539, 563; Paris (1831, 1833), France and Great Britain, slave trade (right of search), 268; Bogotá (1846), Colombia and U. S., amity, navigation, commerce, 54-6, 172-3, 332; Guatemala City (1847), Great Britain and Guatemala, friendship and commerce, 216, 218-24, 767; Guadalupe Hidalgo (1848), Mexico and U. S., peace, friendship, limits and settlement, 31-3, 275, 294; San José (1849), Costa Rica and Great Britain, amity, commerce and navigation, 60-1, 391-2 and note, 401, 418-19; León (1849), Honduras and U. S., amity, commerce and navigation, 58, 347-51, 353-4, 673-4 and note; Guatemala City (1849), Nicaragua and U. S., canal, 39, 47-9, 60, 66-8, 323-4, 328-9, 332, 345-6, 361-2, 398, 399-400 and note, 411-15, 429-30; Washington (1850), Great Britain and U. S., ship canal, *see* Clayton-Bulwer Treaty; (1851), Brazil and Uruguay, commerce and navigation, 457-8 and note; Washington (1851), Costa Rica and U. S., friendship, commerce and navigation, 64, 68, 400-1, 423 and note; London (1856), Great Britain and Honduras, Bay Islands, 167, 169, 218-24, 681-2, 705, 767-8; London (1856), Great Britain and U. S., Central Amer-

- ica, *see* Dallas-Clarendon Convention; Washington (1857), Nicaragua and U. S., amity, commerce and navigation, 177, 207-9, 749-50; León (1859), Great Britain and Nicaragua, friendship, commerce and navigation, 202, 747-8, 752-3, 768.
- Treaties, interpretation of, Vattel quoted on, 566.
- Trinidad Island, acquisition by Great Britain from Spain, 523-4.
- Turnbull, Colonel, U. S. Topographical Engineer, mentioned, 77, 463-4, 480-2.
- United States
- Accessory Transit Company and. *See* Accessory Transit Company.
  - African slave trade suppression desired by, 509.
  - Annexation policy of, 92, 584.
  - Argentina, relations between, 230.
  - Avis Island and. *See* Avis Island.
  - Bay Islands controversy with Great Britain. *See* Bay Islands.
  - Belize, difficulties with Great Britain regarding. *See* Belize.
  - Belly's activities in Central America. *See* Belly.
  - Brazil and. *See* Brazil.
  - British Honduras and. *See* Belize.
  - Buenos Aires and. *See* Argentina and Buenos Aires.
  - California and. *See* California.
  - Canada and. *See* Canada.
  - Cass-Irisarri Treaty with Nicaragua. *See* Cass-Irisarri Treaty.
  - Central America and. *See* Central America.
  - Central American Federation reestablishment suggested by, 334.
  - Clayton-Bulwer Treaty, application by U. S. to Central American questions. *See* Clayton-Bulwer Treaty.
  - Colombia and. *See* Colombia.
  - Costa Rica and. *See* Costa Rica.
  - Crampton-Webster proposals for settling Costa Rica-Nicaragua boundary dispute supported by. *See* Crampton-Webster proposals.
  - Cuba and. *See* Cuba.
  - Dallas-Clarendon Convention (1856) with Great Britain. *See* Dallas-Clarendon Convention.
  - Falkland Islands and. *See* Falkland Islands.
  - Filibustering expeditions to Central America. *See* Walker, William.
  - France and. *See* United States under France.
  - Great Britain and. *See* United States under Great Britain.
  - Haiti and. *See* Dominican Republic.
  - Hawaii and. *See* Hawaii.
  - Honduras and. *See* Honduras.
  - Juarez government in Mexico recognized by, 212, 214-15.
  - Latin American states and. *See* Latin American states.
  - Lobos Islands and. *See* Lobos Islands.
  - Mexico and. *See* Mexico, Poinsett.
  - Miramón government in Mexico not recognized by, 224.
  - Monroe Doctrine. *See* Monroe Doctrine.
  - Mosquito Coast and. *See* Mosquito Coast.
  - Nicaragua and. *See* Nicaragua.
  - Nicaraguan ship canal and transit route, U. S. efforts in regard to. *See* Clayton-Bulwer Treaty, Nicaraguan ship canal and transit route.
  - Panama Isthmus and. *See* Panama Isthmus.
  - Panama Railroad and. *See* Panama Railroad.
  - Panama riots, U. S. action in regard to. *See* Panama riots.
  - Panama ship canal and transit route, U. S. efforts in regard to. *See* Panama ship canal and transit route.
  - Peru and. *See* Lobos Islands.
  - Ruatan Island controversy with Great Britain. *See* Ruatan.
  - Salvador and. *See* Salvador.
  - Samana Bay, proposed acquisition by U. S., 589.
  - San Juan del Norte, port of, U. S. attitude toward conditions in and dispute over. *See* San Juan del Norte.
  - San Juan River, U. S. attitude in dispute over. *See* San Juan River.
  - Sandwich Islands and. *See* Hawaii.
  - Slavery, U. S. attitude toward. *See* Slavery, Slave trade.
  - Spain and. *See* Black Warrior, Latin American states.
  - Tehuantepec canal, U. S. efforts in regard to. *See* Tehuantepec.
  - Texas and. *See* Texas.
  - Tigre Island controversy with Great Britain. *See* Tigre Island.
  - Upshur, Abel P., Secretary of State, correspondence, 6-17, 246-56.
  - Uruguay, treaty (1851) of commerce and navigation with Brazil settling question of navigation of La Plata, Paraguay, Paraná and Uruguay rivers, 457-8 and note; early relations with other Latin American states, 451-3 note.
  - Uruguay River, navigation of, 451-3 note, 456-8, 458 note.
  - Ussher, John N., British consul at Port-au-Prince, correspondence, 426-9, 437-8 note.
  - Vail, Aaron, U. S. chargé d'affaires at London, correspondence, 228-35.
  - Van Buren, Martin, Secretary of State and U. S. Minister to Great Britain, corre-

- spondence, 3-4 note; 227; his appointment as U. S. Minister not confirmed by U. S. Senate, 227.
- Van Ness, Cornelius P., U. S. Minister to Spain, mentioned, 4 note.
- Van Zandt, Texas chargé d'affaires at Washington, mentioned, 250.
- Vattel, E. de, quoted on interpretation of treaties, 566.
- Vijil, Agustín, special representative of Nicaraguan President [Walker] to U. S., mentioned, 653.
- Visit and search. *See* Search and visit.
- Walker, William, American citizen, filibustering expeditions to Central America, British activities against, 138-9, 167-8, 202-3, 645-7, 703-4 and note, 706-7, 733, 748; U. S. attitude, 138-9, 176, 202-3, 650, 653.
- Walsh, Robert M., U. S. special agent to Costa Rica and Dominican Republic, mentioned, 430, 472.
- Ward, H. G., member, British House of Commons, mentioned, 235.
- Webster, Daniel, correspondence, 64-71, 73-8, 244-5, 402-23, 426-37, 439-47, 449-63, 465-72, 481-3. *See also* Crampton-Webster proposals.
- West Indies, British interest and activities in, 302-3, 369-73, 492, 620-2 and note, 623; British and Spanish activities against pirates in, 368-9.
- White, David L., charter granted to, by Nicaragua, for constructing Nicaraguan ship canal and transit route, mentioned, 330.
- White, Joseph L., counsel, American Atlantic and Pacific Ship Canal Company, mentioned, 73, 464.
- Wilson, Belford, British chargé d'affaires to Venezuela, mentioned, 295.
- Wilson, Col. Henry, U. S. Army, acting governor of Vera Cruz, mentioned, 30.
- Wirt, E., French vice consul at Port-au-Prince, correspondence, 437-8 note.
- Wodehouse, Phillip Edmond, lieutenant governor [British] of Bay Islands, proclamation, Aug. 2, 1852, setting up British government on Bay Islands, 516 note.
- Woods, James, British subject, portrayal of character of Mosquito Indians in 1836, 364-5.
- Wyke, Charles Lenox, British commissioner to Central America, appointment, 763-4; correspondence, 219-22 note; mentioned, 472.

